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ENVIRONMENTAL PROTECTION AGENCY
Desert Rock Energy Facility
Public Comments

Monday, October 3, 2006

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1 P R O C E E D I N G S

2 MS. Yocom: Okay, I think were ready to get started

3 now. Weve got all our electric things hooked up. Welcome and

4 good afternoon. This public hearing is now in session. Im the

5 acting public hearing officer for the U.S. Environmental

6 Protection Agency Region 9, San Francisco Office, and the

7 presiding officer for todays hearing. The purpose of todays

8 hearing is to accept public comment on the Environmental

9 Protection Agencys proposed Clean Air Act Prevention of

10 Significant Deterioration or PSD Permit for the Desert Rock
11 Power Plant.

12 With me on the panel is Gerardo Rios of the Region 9
13 Air Permits Office. In addition, there are a number of other
14 EPA staff members who are here to assist with this public
15 hearing. Before we begin accepting your comments, we will be
16 providing you with some introductory information. First,
17 Gerardo Rios of the Air Permits Program will briefly explain the
18 Clean Air Act permitting process and how todays public hearing
19 fits into that process. After that I will describe the
20 procedures for todays hearing. I ask that you please refrain
21 from interrupting or asking questions during the presentation,
22 as youll have the opportunity to make comments shortly once we

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1 begin the public comment portion of this hearing.
2 We realize that this is a complex issue so informational
3 material provided during the prior public meeting is also
4 available next to the registration table.

5 Okay, Gerardo.

6 MR. RIOS: Okay, thank you. My name is Gerardo Rios.
7 I am the chief of the Permits Office in EPA Region 9, which is
8 in San Francisco. And I just wanted to go over very briefly
9 what were doing today. Were holding a public hearing for the
10 Desert Rock -- the proposed project for the permit for the
11 Desert Rock Power Plant. So todays subject is the public
12 hearing for the proposed permit, and its to allow you to comment
13 on that proposed permit. You have probably heard different
14 hearings related to the Four Corner Power Plant. They are
15 separate from this hearing, and you can see our information
16 table for more information on that. So this is for the Desert
17 Rock Power Plant and not the Four Corners Power Plant.

18 The project that is being proposed is a coal-fired
19 electric generating facility. This project is projected to
20 produce 1500 megawatts of electricity, which is about 1.2
21 million homes per year who will have supplies for electricity.
22 And its going to be located 25 miles south of Shiprock, New

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1 Mexico. For this project the sources of air pollution are
2 basically the two large boilers, which are the main ones that

3 will produce the steam, that will turn the crank and make
4 electricity; emergency generators and fire pump; smaller
5 auxiliary boiler; and the material handling. The PSD permitting
6 process is basically laid out in these various steps, which
7 begin with the application of the PSD permit. So the applicant
8 submits an application to us. We do a technical analysis based
9 on what the PSD program requires under law. And then after we
10 determine that the applicant has supplied us all the information
11 in the facility, meet all the requirements of the law, we
12 propose the permit and we allow the public to review the permit
13 and to provide comments. The two yellow squares are where we
14 are right now.

15 After the response to comments we basically draft
16 responses ourselves to the comments submitted to us in writing
17 and make a decision on whether or not to issue the permit.
18 After our decision is made there is an opportunity to appeal the
19 permit. As I mentioned, we are currently under the public
20 review process for the PSD permitting process. We recommend
21 that when making comments you address the following areas since
22 they are the focus of the PSD permitting process. Your comments

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1 are better made if you focus them on the best available control
2 technology; the effect of the proposed facility on the ambient
3 air quality and visibility, including public health standards,
4 called the National Ambient Air Quality Standards; the effects,
5 if any, on special national parks and wilderness areas
6 designated as class one areas. And if you need more
7 information, you can visit the table on the right which has more
8 information about the project.

9 To comment, obviously theres this public hearing. But
10 you can also mail comments directly to us at the address in red.
11 You can e-mail them to desertrockairpermit@epa.gov, or you can
12 fax comments to (415) 947-3579 with the attention to Robert
13 Baker. Comments must be submitted by October 27. When
14 commenting today, please pick up one of the speaker cards near
15 the registration table and submit it to one of our staff over
16 there, and they will bring it up to us and we will give you the
17 opportunity to public comment in the order that we receive the
18 speaker cards.

19 Oh, and the last one, if you want to submit written
20 comments today you may do so, and theres some forms also on the

21 information table to the right -- to my right, your left, and
22 you can write your comments down and submit them in a special

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1 box that we have at the registration area. Thank you.
2 MS. Yocom: Thank you, Gerardo. Now I'd like to go
3 over the ground rules for today's public hearing. This hearing
4 is a formal legal proceeding. Public notice of this hearing was
5 made by publication in the Durango Herald. Public notice was
6 also posted on EPA's web site. This hearing is being
7 electronically recorded and will later be transcribed into a
8 written verbatim record of the hearing. If you present oral
9 comments at today's hearing, please speak clearly and slowly so
10 that the court reporter can understand you and record your
11 comments accurately when they transcribe the record. If you
12 need assistance with translation to Navajo or Spanish, please
13 raise your hand and Gerald Rios or I believe maybe someone --
14 maybe Rose Graham or someone else is in the room who can assist
15 you.
16 In the lobby where you came in there's a registration
17 table. You do not need to register to attend the hearing,
18 however, if you would like to make oral comments at today's
19 hearing please fill out one of the green speaker cards. Please
20 note if you already signed up on EPA's web site you don't need to
21 fill out a speaker card. I will be calling the individual
22 commenters based upon the order that they submitted their cards.

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1 If you don't wish to speak tonight, you can also submit written
2 comments for the official record. Written comments and oral
3 comments will receive equal consideration by EPA in making its
4 final permit decision. Handouts with directions for submitting
5 written comments are available at the registration table. There
6 is also a box at the registration table for submitting written
7 comments. If you would like to write comments while you are
8 here today, a form for that purpose is also available. If you've
9 submitted written comments, it is not necessary for you to give
10 oral comments as well, although of course you may do so if you
11 like.
12 The oral comments received at this hearing and all
13 written comments received by the end of the comment period will

14 be considered by EPA when preparing the final permit. EPA
15 decisions on Clean Air Act permits are typically made with the
16 participation of a number of people within the organization.
17 The EPA staff cannot commit to any specific decision related to
18 the proposed permit today. The purpose of this hearing is to
19 listen to your comments, so we will not be providing responses
20 during the hearing. Rather, EPA will prepare a written summary
21 of the comments and EPAs responses. The response to comments
22 will accompany the final permit decision. EPA will not make a

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1 decision on the proposed permit until all comments have been
2 considered.

3 EPAs notice of final decision on the permit along with
4 the Response to Comments document will be sent to each person
5 who has submitted written comments or has signed up at the
6 registration table to receive notice and provided an e-mail or a
7 postal address. This information will also be available on EPAs
8 web site. A copy of the transcript of todays hearing will also
9 be available for inspection and copying at EPAs office in San
10 Francisco. We also intend to make this available on EPAs web
11 site.

12 When EPA issues a permit it becomes effective 30 days
13 after notice of the decision. However, EPAs final decisions are
14 reviewable by the Environmental Appeals Board under the
15 regulations found at 40 CFR Part 124. A petition for review
16 must be filed within 30 days of the final decision. In a few
17 minutes I will begin calling on speakers. Speakers will be
18 called in groups of five in the order they will present their
19 comments. When you hear your name please come forward and wait
20 in the front row until it is your turn to speak. If you need
21 assistance moving to the front row and the microphone, please
22 raise your hand when your name is first called and an EPA staff

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1 member will assist you.

2 When I announce that it is your turn to speak please
3 come up to the microphone, state your name, spell it for the
4 transcriber. And if you are appearing on behalf of someone or
5 on behalf of an organization, please tell us who you are
6 representing. In order to give everyone who wishes to speak at

7 the hearing a chance to do so, I ask everyone who speaks to
8 please make your oral comments brief as this hearing session is
9 scheduled for four hours. To assist in this effort I am asking
10 speakers to please limit their comments to five minutes this
11 afternoon. If you have lengthier comments, you may submit those
12 in writing. Each speaker will be given a one-minute warning by
13 our time keeper and then notified when their time is up.

14 Okay, lets begin the comment period. The first five
15 speakers are Vernon Greer, Mary Lou Asbury, Margie Connolly,
16 Erich Fowler and Bob Thompson. And if Vernon Greer wants to
17 come to the microphone first.

18 MR. GREIF: I was hoping somebody else would go first
19 so Id see what the procedure was. I take it this is not
20 something you can answer questions. Is that right?

21 MS. Yocom: Thats correct. We will not be answering
22 questions today.

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1 MR. GREIF: Okay, well, Ill just have to make a
2 statement then. Absorbent injection tests have removed up to 95
3 --

4 MS. Yocom: Excuse us.

5 SPEAKER: I need you to spell your name, please.

6 MR. GREIF: Vernon Greif, G-R-E-I-F.

7 SPEAKER: Thank you.

8 MR. GREIF: I filled out the card. Absorbent
9 injection tests have removed up to 95 percent of mercury
10 emissions from coal-fired plants. Chemically enhanced absorbent
11 injections has done better than that. This plant should not be
12 allowed to be built unless they incorporate that technology in
13 this plant. Its not currently required by law, but all we hear
14 about is what a great job, state of the art theyre going to do.
15 Well, then, they can install this state of the art equipment to
16 remove mercury at a much greater rate than is currently out
17 there.

18 Secondly, a second point is carbon sequestration is a
19 new technology coming on and this plant should be built with
20 that in mind to be able to capture CO2 emissions and ultimately
21 put it in the pipeline for injection into the formations in the
22 San Juan basin. So the plant should not be built unless it has

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1 built-in capability to capture all the CO2 emissions. Thank
2 you.

3 MS. Yocom: Thank you. The next speaker is Mary Lou
4 Asbury. And can you please spell your name, too.

5 MS. ASBURY: Mary Lou Asbury, A-S-B-U-R-Y, and I am
6 representing the Cortez Montezuma League of Women Voters. Since
7 the winter of 2004 the Cortez Montezuma League of Women Voters
8 has been studying air quality in Montezuma County. As a result
9 of this study we have discovered a gap in air quality monitoring
10 and data in Montezuma County. We have been watching with
11 considerable interest the progression of the Desert Rock Power
12 Plant. Today I would like to question some areas in the
13 process. Referring to the best available control technology the
14 proposed PSD permit, if finalized through approval by the EPA,
15 will allow Sithe Global Energy to construct two super-critical
16 pulverized coal-fired boilers. We believe that super-critical
17 pulverized coal-fire boilers do not utilize the best available
18 control technology.

19 This is the same technology that the United States
20 power plants have been using since the 1950s and it produces
21 mercury pollution, sulfates and nitrates, atmospheric carbon
22 dioxide and acid rain. We believe the best available control

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1 technology can only be achieved at Desert Rock by using a
2 combination of technologies known as the Integrated Gasification
3 Combined Cycle. We disagree with EPAs decision to not include
4 IGCC as an alternative to a pulverized coal-fired boiler based
5 on determination that this may -- would be redefining the
6 source. Even if this is true there is nothing in the EPA report
7 that explains why redefining the source is not feasible.

8 In public meetings on behalf of Sithes Desert Rock
9 project there was a promise of 90 percent reduction in mercury
10 emissions. The EPAs impact report is silent on the subject of
11 mercury. Mercury is not mentioned anywhere in the PSD permit.
12 Though not required at this time, subject to the Clean Air
13 Mercury Rules, Sithe has reneged on their mercury commitment in
14 the PSD permit provisions. Since California is targeted as a
15 major power distribution market for Desert Rock and since the
16 state of California by law can no longer purchase electric power
17 from plants that do not meet Californias standards, it behooves

18 Sithe to insure that Desert Rock be as clean as possible in its
19 emissions.

20 The effects on the class one areas. The Clean Air Act
21 provides the legislative basis for the federal government under
22 oversight of EPA to provide the highest degree of protection of

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1 air quality in class one areas. There are 17 class one areas in
2 the Four Corners Region potentially affected by the approval of
3 the proposed PSD permit and construction of the Desert Rock
4 project. In its air quality impact report EPA concluded that
5 Sithe used appropriate modeling procedures and followed
6 applicable guidelines to demonstrate that the proposed project
7 does not violate any national ambient air quality standards or
8 PSD increments. It also determined that the proposed facility
9 will not have an adverse impact on air quality related values at
10 class one areas.

11 We disagree with the EPAs conclusions. Specifically,
12 we believe that the applicant has not shown that its proposed
13 facility impact is below the significant impact level. We also
14 believe that Sithe has failed to show that there is no violation
15 of the national ambient air quality standards. Using cumulative
16 impact analysis the modeling results in the impact report are
17 subject because of the lack of monitoring stations at lower
18 elevations, including agricultural lands. The data we have seen
19 shows that it will indeed have adverse effects on Mesa Verde
20 National Park even in addition to that admitted in your own
21 impact report.

22 Ambient air quality, approval of the proposed PSD

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1 permit and construction of the Desert Rock facility will
2 adversely affect visibility in the Four Corners. The visibility
3 of the air over the Montezuma and Mangus Valleys and the clarity
4 of the air to the south looking over the Navajo and Ute --
5 mountain Ute lands is deteriorating. This is commonly observed
6 and commented on more and more often by residents of these
7 areas. The Desert Rock facility as currently proposed will
8 cause further deterioration in visibility. This fact is ignored
9 in EPAS ambient quality impact.

10 Our conclusions, the League of Women Voters of

11 Cortez-Montezuma County ask that the EPA take the following
12 actions: Postpone action on the PSD until stakeholders can
13 review and comment on the environmental impact statement;
14 require Sithe to fulfill its promise to reduce mercury emissions
15 by 90 percent.

16 MS. Yocom: You can have another 15 seconds. It
17 sounds like youre to close up.

18 MS. ASBURY: Ive got three more comments. Will that
19 be okay? Examine other data and models for regional ambient air
20 quality including those available from the National Park
21 Services Air Resources Division, especially in class one areas.
22 Require Sithe to use the best available control technology which

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1 is an integrated gasification combined cycle design. And,
2 require Sithe to provide additional monitoring stations in the
3 Four Corners to insure Desert Rock complies with its permit
4 conditions. Thank you.

5 MS. Yocom: Thank you. The next speaker is Margie
6 Connolly.

7 MS. CONNOLLY: Hi, my name is Margie Connolly,
8 M-A-R-G-I-E C-O-N-N-O-L-L-Y, and Im representing myself. Okay,
9 Ive lived in Mangus, Colorado for the past 24 years and I took
10 time off of my job this afternoon to specifically come here and
11 express my opinions against this project. I dont want the
12 Desert Rock Power Plant to be constructed. It will, as you
13 know, increase the air pollution in the Four Corners area. I
14 see and breathe the pollution daily. Its ugly and its
15 unhealthy. The quality of our air in Southwest Colorado is
16 highly variable. Sometimes our skies are blue and clear and
17 sometimes they are thick with blowing dust and people hide
18 indoors. But on many days theres this thick, ugly,
19 yellow-brownish haze or smog that comes from the two existing
20 power plants in the San Juan River Valley. Any additional
21 deterioration from a coal-fired power plant is significant and
22 should not be permitted.

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1 When I talk to local elders they tell me how much
2 cleaner the air used to be. Every morning they woke up and they
3 could see the landmarks, such as Shiprock and the Lukachukai

4 Mountains. Now its a rare day when you can see those
5 formations. There was a time when people could go fishing at
6 Naraguana Reservoir north of Cortez, Colorado and eat the fish.
7 Now we are told to put the fish back because they are too
8 contaminated with mercury.

9 The technical analysis is not well thought out in this
10 project. Did you monitor the air pollution that flows northward
11 into the Mangus and Montezuma Valleys? Did the EPA put air
12 quality monitors in Mesa Verde National Park, the Abajo
13 Mountains or the Lizard Head Wilderness? Where are the air
14 pollution estimates for the dust that will increase with the
15 additional mining and road development?

16 I hope each of you will take a drive up to Far View
17 Visitors Center at Mesa Verde National Park and look southward.
18 Then you could see the brownish-yellow haze that is slowly
19 injuring our Four Corners citizens and defacing the great
20 natural and cultural monuments in our area. How could the EPA
21 possibly allow another coal-fired power plant and state that
22 this plant is not harmful to our area? Who are the clients for

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1 this project? I think youre listening to the Sithe Global Power
2 Company and not looking, seeing and smelling for yourself.
3 Thank you.

4 MS. Yocom: Thank you. The next speaker is Erich
5 Fowler.

6 MR. FOWLER: My name is Erich Fowler. Thats E-R-I-C-H
7 F-O-W-L-E-R. I am here to briefly discuss some firsthand
8 observations as to current air quality over the San Juan Basin.
9 I live in southwest LaPlata County, about four miles due west of
10 the township of Kline. From our front door I have a birds eye
11 of the city of Farmington and the cliff behind town, and behind
12 -- in front of my house to the southwest is Barker Dome and
13 immediately behind Barker Dome are two power plants in Fruitland
14 and Shiprock. I have spent my entire life growing up out here
15 watching air quality over the San Juan Basin and also observing
16 the power plants as well.

17 I remember as well that back in the early 90s
18 -- weve lived out there since 1989 -- back in the early 90s the
19 air quality out there really was fantastic. Occasionally you
20 could see a little bit of a smudge or something, you know, some
21 flight dust down over Farmington. But in the late 90s that

22 started to grow a little worse, especially in the wintertime.

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1 And I would say starting around 2000 or 2001 I have noticed a
2 yearly deterioration in the air quality over the San Juan Basin,
3 specifically in the wintertime and -- although that air quality
4 deterioration is starting to reach into summer months and in the
5 fall as well.

6 I would like to report that in the past couple years,
7 most noticeably in the winter but its starting to happen in the
8 fall as well, at my mothers house -- and I would estimate that
9 we are line of sight maybe 30 miles from the two power plants.
10 At my mothers house on almost any given day you can actually
11 smell emissions. Its a greasy smell. You can almost taste it.
12 Sometimes its very faint and sometimes its very strong. Certain
13 times in the wintertime the air at my mothers house -- and mind
14 you this is a very rural area -- the air at my mothers house
15 smells worse than at an airport. Ive been very worried about
16 this.

17 I would like to recount a specific example. I
18 remember back in Christmas of 2003, about a week before
19 Christmas, I woke up one morning and there had been an inversion
20 over Farmington, New Mexico. And those happen quite frequently
21 in the wintertime and make the air quite nasty looking. Usually
22 its -- you know, it usually tends to be a yellow color rather

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1 than a brown that you see over cities. This particular day the
2 inversion was so bad that the yellow layer over Farmington was
3 neatly defined. Above it was a crystal clear blue sky and then
4 the yellow over Farmington had actually blotted out our view of
5 Farmington. It was a yellow streak that covered up our view of
6 the entire lower San Juan Basin. The yellow of this cloud was
7 as bright as a daffodil.

8 And I sat out on the front porch that morning with a
9 cup of coffee and I watched the inversion break as the heat came
10 up off the city. And it brought air from the ground up into the
11 middle layers of this yellow layer. And as it did this clear
12 air punched into the yellow layer and gave it the effect of
13 scrambled eggs. Im not exaggerating. And I have seen this
14 several other times since then, though in the Christmas of 2003

15 it was most noticeable. So obviously Im concerned about
16 existing air quality over the San Juan Basin and I am very
17 concerned about any additional construction of power plants.

18 Another thing we must consider is the natural gas
19 development that has been occurring in San Juan Basin, and
20 specifically coal bed methane development. Flash emissions are
21 a great problem and have also undoubtedly contributed to the
22 deterioration in the San Juan Basin. I do not see how the

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1 proposal for a power plant can ignore other emissions problems
2 such as flash emissions or even municipal emissions from
3 automobiles within the city of Farmington.

4 Id like to conclude by noting that as currently as two
5 weeks ago it was very smoggy down in the San Juan Basin from our
6 house. We could not even see the cliffs behind town. I go down
7 to San Juan College to work out at the gym there. I go to
8 Farmington three or four days a week. Its about 30 miles. I
9 got down to Farmington. I went down the LaPlata Highway. And
10 as I turned left to get onto Pinion Hills Boulevard, I looked
11 back up the valley to see the LaPlata Mountains. I think about
12 from Farmington the LaPlata Mountains are at line of sight 45
13 miles away. And this morning, only two weeks ago, I could not
14 see the LaPlata Mountains. There was a yellow haze that blotted
15 them out entirely. Thats a visibility reduction of less -- to
16 less than 45 miles. In an area like the Four Corners, which is
17 not an urban area. That is simply unacceptable.

18 MS. Yocom: Thank you. The next speaker is Bob
19 Thompson.

20 MR. THOMPSON: My name is Bob Thompson,
21 T-H-O-M-P-S-O-N, and Im representing myself. I wish to comment
22 on this proposed permit and the flawed permit process. My

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1 comments are based on research reports and publications of
2 others. I petition the U.S. Government and the State of New
3 Mexico not to allow the proposed power plant to go forward with
4 its design process much less the operations permitting for the
5 following reasons and comments.

6 A few weeks ago the EPA hosted a question and answer
7 session concerning the proposed Desert Rock coal-fired power

8 plant at New Mexico at Fort Lewis College. At that meeting they
9 handed out material dealing with the proposed operation. What
10 was not included in any of the materials handed out was -- deals
11 with one of the most evil manipulations of the National
12 Environmental Protection Act ever contrived by the powerfully
13 anti-environmental agenda of the controlling, suppressive,
14 secretive, aggressive and hypocritical George W. Bush regime
15 supported by his buddies in the House and Senate.

16 In 1997 the EPA considered mercury to have the
17 greatest potential to impact human health of all pollutants
18 mentioned in the Clean Air Act and now mercury is not even
19 listed in the hazardous criteria pollutants for which a company
20 must meet standard when applying for a design permit to build a
21 new coal-fired power plant. Mercury is now considered under the
22 Clean Skies New Source Review after the design and construction

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1 phase and the facility is already built. When the company
2 applies for an operating permit, referred to as a PSD, the Clean
3 Air Act Prevention of Significant Deterioration Program only
4 looks at criteria pollutants, sulfur oxide, nitrous oxide,
5 EM-10, CO, lead, ozone, and non-criteria pollutants, sulphuric
6 acid and hydrogen sulphide.

7 Thus, although a substantial portion of the public
8 questions at the meeting dealt with the publics concerns over
9 mercury pollution, the EPA folks really didnt want to address
10 the issues because they werent considered under the permit
11 process. A Desert Rock employee did claim they planned to
12 provide 95 percent mercury emission capture but provided nothing
13 to back up his claim. The Bus administration has hidden,
14 delayed -- hidden or delayed reports on mercury risks while at
15 the same time weakening mercury protections.

16 A 2/20/03 report in the Wall Street Journal exposed
17 the fact that the Bush administration delayed at least nine
18 months the releasing of an EPA report warning that emissions of
19 mercury coal-fired power plants and other industrial sources
20 poses an increasing health danger to children. It was reported
21 that the suppression of this report allowed time for the
22 President to craft his new skies initiative, which postponed the

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1 implementation and watered down the mercury pollution
2 regulation.

3 Back in he 1990s the EPA originally had set a date of
4 2007 for all U.S. coal-fired power plants to comply with strict
5 mercury emissions, but these rules were overturned and thrown
6 out by the Bush administrations Clean Skies Program after secret
7 closed-doors meetings between energy companies and Vice
8 President Chaney. Federal lawsuits that were already underway
9 by the federal government against nuclear power plants that were
10 deemed to be in violation of the federal regulations were thrown
11 out by Mr. Bush in his first few days in office. Strict
12 compliance by 2007 has been replaced by a new date of 2018 with
13 a cap in trade policy which gives polluting companies the
14 ability to pollute even more as long as some other power plants
15 pollute less. The new Bush administrations Clear Skies
16 legislation overturns a court-approved 2007 deadline. In fact,
17 according to recent a National Wildlife Federation report the
18 EPAs analysis predicts that the bank of mercury allowances will
19 not run until after 2026. Therefore, the final Clean Air
20 mercury cap of 15 tons likely will not be achieved until 2026 or
21 later. That is unfortunate.

22 On September 22, 2004 the Washington Post reported

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1 passages in the Bush administrations proposal for regulating
2 mercury pollution from power plants that mirror almost word for
3 word portions of memos written by a law firm representing
4 coal-fired power plants. The passages and language from the
5 Latham and Watkins law firm say the EPA will not regulate other
6 toxins. The Bush administration would do well to remember the
7 words of another President, Abraham Lincoln: You cannot escape
8 the responsibilities of tomorrow by evading them today. The
9 longer the U.S. Government puts off controlling and preventing
10 mercury pollution the more health and neurological damage will
11 occur to U.S. citizens. Lots of Americans are extremely upset
12 over the U.S. Government mercury policy, so much so that 16
13 states including New Mexico have filed suit in federal court
14 over the new Bush EPA rules. The lawsuit asserts the new rules
15 violate the Clean Air Act and will file a suit to challenge the
16 EPAs rule which fails to protect the citizens from the great
17 threat posed by the mercury emissions, says the New Jersey
18 Attorney General, Peter Harvey. By authorizing emissions

19 trading EPAs rule allows some power plants to actually increase
20 mercury emissions creating hot spots in mercury deposition
21 around those plants.

22 The New Jersey Department of Environmental Protection

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1 Commissioner Bradley Campbell has been quoted as saying: Once
2 given the choice between families and polluters, President Bush
3 has left every child behind in order to reward industry and
4 campaign contributors. This rule betrays the publics trust by
5 calling for standards too weak to protect the public health and
6 environment. Moreover, the emissions reductions trumpeted by
7 the EPA in this rule are misleading and inaccurate. The EPA
8 announced on May 31, 2006 it would go ahead and move forward
9 with this cap and trade program for mercury emissions despite
10 petitions from states and environmental groups outlined how the
11 program will delay emission reductions for many years,
12 perpetuate hot spots of local mercury deposition and pose a
13 serious threat to the health of children.

14 Eight states including Pennsylvania, North Carolina,
15 Connecticut, New Jersey, Massachusetts and Minnesota, Illinois
16 and Wisconsin have passed their own air quality laws that are
17 far more stringent on mercury pollution.

18 MS. Yocom: Excuse me, Mr. Thompson. Im going to
19 have to ask you to wrap up your comments in about ten seconds.

20 MR. THOMPSON: Ten seconds, okay. In ten seconds I
21 couldnt say I really wanted, which was to bail out you folks --

22 MS. Yocom: Fifteen seconds.

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1 MR. THOMPSON: -- is Southwest Colorado is down wind
2 from the proposed project and will receive much of the emitted
3 mercury as supported by the recent report on the Naraguana
4 Reservoir in Cortez and current Mesa Verde mercury precipitation
5 data. Although I must admit I have absolutely no confidence in
6 the Bush regime nor its eviscerated EPA, who will never do
7 anything about the health of Americans, dealing with this toxic
8 material, I feel I must comment as a concerned tax-paying
9 citizen.

10 MS. Yocom: Thank you.

11 MR. THOMPSON: Sorry I couldnt say what I really

12 wanted to, which was to bail you out.

13 MS. Yocom: The next speaker is Carly Gilbert.

14 MS. GILBERT: Hi, my name is Carly Gilbert, C-A-R-L-Y
15 G-I-L-B-E-R-T. Im here testifying today on behalf of
16 Environmental Defense, a nonpartisan, nonprofit, science-based
17 environmental organization. Thank you very much for the
18 opportunity to present our views at todays hearing.

19 I respectfully direct my remarks to the numerous
20 federal officials and agencies involved in this project as well
21 as officials with the Sovereign Navajo Nation. I offer these
22 comments respectfully on behalf of the Environmental Defenses

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1 some 300,000 members nationwide and thousands of members across
2 the Southwest that are deeply concerned about the human health
3 and global warming impacts of todays energy choices.

4 This proposal will add toxic mercury pollution to
5 water bodies already under fish consumption advisories, will
6 contribute to harmful smog pollution in a region already
7 suffering from harmful ozone concentrations, will add thousands
8 of tons of haze-forming contaminants that pollute Shiprock and
9 the Grand Canyon, and will add of ten million tons of
10 heat-trapping, global warming pollution to the atmosphere each
11 year. Your proposal to permit the 1,500 megawatt coal-fired
12 Desert Rock Power Plant is irresponsible and threatens the
13 health of peoples and families across the region and the safety
14 of the climate. We respectfully request that you withdraw it.

15 It is incomprehensible that EPA has completely failed
16 to control mercury pollution at Desert Rock. Mercury is a
17 dangerous neurotoxin that impairs the brain development of
18 babies and children. Methyl mercury interferes with the
19 development and function of the central nervous system.
20 Prenatal methyl mercury exposure from the maternal consumption
21 of fish can cause later adverse effects in children. Infants
22 appear normal during the first few months of life but later

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1 display subtle effects. New studies also indicate that methyl
2 mercury exposure in adults is associated with increased risk of
3 heart attacks.

4 While methyl mercurys mode or modes of action are not

5 fully characterized, it is clear that the toxicity of methyl
6 mercury is not limited to the nervous system. EPA analysis
7 shows that between 1999 and 2000 630,000 newborns in the U.S.
8 had unsafe levels of mercury in their blood. Based on EPAs own
9 estimates, over the next decade millions of children in the U.S.
10 will be born with mercury in their blood at unsafe levels
11 putting our newborns at risk of brain damage.

12 This region is hard hit by extensive mercury pollution
13 in water bodies across the region and are under fish consumption
14 advisories for mercury contamination. At the same time
15 full-scale testing by leading engineering firms such as ADA,
16 Environmental Solutions here in Colorado has consistently
17 demonstrated that 90 percent of the mercury can be cost
18 effectively removed from coal plants burning a variety of coal
19 types. EPA and the Navajo nation must protect the babies and
20 children at risk of mercury poisoning and require reductions in
21 mercury of 90 percent or more. EPA and the Navajo Nation have
22 also failed to address the extensive particulate smog and

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1 haze-forming pollution that will be discharged from Desert Rock.
2 This region is already home to several large high-polluting
3 power plants and massive oil and gas development that impose a
4 heavy burden of human health -- on human health and the
5 environment.

6 The Four Corners region suffers from elevated
7 concentrations of ozone or smog pollution. The EPA and the
8 Navajo Nation have failed to protect the region from the
9 additional smog-forming pollution that will be discharged by
10 this new plant. This region is also graced with the worlds most
11 prized natural areas. The Grand Canyon, Shiprock, Mesa Verde and
12 other natural throughout the area are some of the most inspiring
13 natural resources in the world. Yet, EPA and the Navajo Nation
14 will allow Desert Rock to add thousands of tons of haze-forming
15 pollution.

16 Technical analysis by the National Park Service shows
17 that Desert Rock will contribute to visibility impairment at the
18 Grand Canyon on a number of days throughout the year. Why are
19 the EPA and the Navajo Nation impairing human health and
20 despoiling Shiprock and the Grand Canyon and Mesa Verde when
21 clean energy technologies are readily available? The proposed
22 coal-fired power plant will add a devastating burden of global

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1 warming cases to the atmosphere. Desert Rock will discharge
2 over ten million tons of heat trapping carbon dioxide each year.
3 The earth has already warmed one degree in the past century and
4 the effects include melting glaciers, disappearing species and
5 more extreme weather patterns. The earths temperature is now
6 the highest it has been in the past 12,000 years. Unless we
7 significantly take action today, now, to reduce heat-trapping
8 global warming pollution, the earth could warm between five and
9 nine degrees Fahrenheit causing the ice sheets to melt, sea
10 levels to rise, and catastrophic flooding to occur.

11 How can EPA and the Navajo Nation ignore the urgent
12 problem of global warming and the massive greenhouse gases that
13 will be released by the power plant? In conclusion, there are
14 numerous alternatives that provide economic opportunity for the
15 Navajo Nation and electrical power for the region without
16 imposing the heavy burden on human health inhalation to
17 destructive and devastating greenhouse gases. The Clean Air Act
18 has manifested a preconstruction review permit may be issued
19 only after the alternatives thereto have been thoroughly
20 considered. Even EPAs deeply flawed December 13, 2005
21 memorandum by Stefan Page recognized this basic duty.

22 EPA has failed to carry out this most fundamental

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1 responsibility. I respectfully ask the Navajo Nation and the
2 EPA to chart a new course that is truly sustainable. We ask you
3 to work with the worlds leading solar experts here in our own
4 backyard at the National Renewable Energy Laboratory and the
5 cutting edge clean energy companies that are demonstrating today
6 in California the viability of concentrating solar technologies.
7 We ask you to chart a course for the people of the Navajo
8 Nation, for the people of the Southwest, for the people of the
9 United States, and for the people across the global that
10 abandons this reckless and irresponsible proposal. Our health
11 and the safety of the earth depend on it. Thank you.

12 MS. Yocom: Thank you. Our next speaker is John
13 Whitney.

14 MR. WHITNEY: John Whitney, W-H-I-T-N-E-Y, Southwest
15 Regional Director for Congressman John Salazar, here today on

16 his behalf. The Congressman apologizes. He wasn't able to be
17 here in person, but would like me to read the following
18 statement on his behalf.

19 I would like to thank the Environmental Protection
20 Agency for holding this hearing today on the proposed air
21 quality permit for the Desert Rock Plant. This is an important
22 issue to my constituents and I appreciate the EPA being such a

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1 responsive agency in agreeing to have this public hearing. I
2 have some comments and concerns I would like to express about
3 this proposed permit.

4 First, I would like to know how the air quality permit
5 can be evaluated and issued before the full environmental impact
6 statement for this project is completed. It concerns me that
7 the comment period for this air quality permit closes before the
8 draft EIS is even released to the public. How can the public
9 understand the full ramifications of this plant's impact to air
10 and water quality before they have seen the full EIS? Is this
11 standard procedure for the air quality permit to be released
12 before the public has a chance to see the EIS?

13 In regards to the air quality modeling used for this
14 proposed permit, I would like to better understand the
15 methodology used. Were monitors near the project site used to
16 analyze the background concentration of pollutants? It would
17 seem that this would be necessary. If this was not done how
18 will there be an accurate baseline of the existing pollution
19 levels in the area? Also, I would like to know if the modeling
20 reveals if the proposed permit will violate Clean Air Act
21 standards for class one areas, such as Mesa Verde National Park
22 and the Werninuche Wilderness, both of which are prime

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1 destinations for Southwest Colorado's tourist-driven economy. No
2 violations in class one areas should be allowed under this
3 permit.

4 Regarding the larger impact of the plant, I would like
5 to be assured that the full cumulative impacts from the proposed
6 plant to air quality are known. Will the proposed air quality
7 permit take into account the existing and anticipated problem
8 with mercury and other pollutants such as nitrogen oxide and

9 sulfur dioxide in the Four Corners Region? Specifically, how
10 will the new plant affect existing problems with mercury
11 contamination of reservoirs and lakes, especially those that
12 serve as domestic water supplies? Recent studies done by the
13 USGS have confirmed that the most likely source of mercury
14 contamination of water bodies in Colorado is from coal-fired
15 plants in New Mexico.

16 Given this fact, the release of more mercury that will
17 then get into our water supplies is of grave concern to me.
18 Mercury's toxic effects on people's health, particularly young
19 children and pregnant women, are well known. Until final
20 federal regulation of mercury is in place, the EPA should err on
21 the side of caution and take all the steps they can to minimize
22 future mercury contamination of our water and air. All

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1 available technology should be utilized to reduce the amount of
2 mercury emitted by this plant.

3 Thank you again for holding this hearing today and
4 giving the community a chance to have their concerns heard on
5 this matter. I look forward to your response to these concerns.
6 Please keep me informed through my Durango office of any
7 actions taken in regards to this proposed permit or the proposed
8 Desert Rock Plant in general.

9 And I have a written copy as well.

10 MS. Yocom: Thank you. Our next speaker is Kent
11 Ford.

12 MR. FORD: Greetings. First of all, thanks very much
13 for the opportunity to comment and thanks to you all for coming
14 here to Durango. We appreciate your presence and hearing now of
15 our concerns. My name is Kent Ford, K-E-N-T F-O-R-D, from here
16 in Durango. I'm a small business owner and our economy here in
17 the area relies on us from being different than other regions.
18 And tourism is the primary industry here and people come here
19 because it's different.

20 And so in that light it's especially disturbing to read
21 in the newspaper roughly three weeks ago an EPA spokesman quoted
22 to say the air in this region is so clean it can absorb

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1 additional pollutants without harm. I think that shows a

2 fundamental misunderstanding by EPA of what is important about
3 the Southwest Region here. That EPA person was quoted, went on
4 to say EPA finds no significant concerns with the plan that's
5 proposed. And, you know, clearly in this region there are a lot
6 of significant concerns. We were told that Desert Rock would catch
7 roughly 80 percent of the mercury emissions, but that still
8 leaves too many emissions, damaging our reservoirs. As you've
9 heard, most of our major reservoirs in this area already are
10 posted for mercury warnings.

11 And it's taken lawsuits to clamp down on the existing
12 power plants, and that leaves those of us in this area very
13 concerned for what's it going to take for this, to enforce this
14 power plant. There was a lot of foot dragging over 10 or 15
15 years for those power plants. And so, you know, while on paper
16 some of this may seem all well and good, it's hard to believe
17 that as a citizen. Perhaps a way to address that would be to
18 have an applicant put forward a bond for damages. And speaking
19 of the applicant, I wonder why once again our country is
20 trusting our energy to another multi-national corporation. You
21 know, our energy solutions should be internal and we should be
22 solving them that way.

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1 The third point I'd like to make is the issue of global
2 warning. You know, clearly increasing data is showing that this
3 is a major issue to our society and I suggest that the
4 application should be with the -- the approval of the
5 application should be withheld until there is better data
6 showing how it would affect global warming. Clearly global
7 warming is the sort of thing where we should be applying the
8 precautionary principle of, first, do no harm.

9 And then one final comment, and that is in this region
10 we have tremendous solar potential. We have huge unmet
11 potential for energy conservation, and we have, I think, the
12 starting of a lot of good innovations with things like carbon
13 offsets. And I would propose that this facility should be
14 required to have -- purchase carbon offsets if, indeed, it is
15 licensed. So again, thanks very much for the opportunity to
16 comment.

17 MS. Yocom: Thank you. Right now I don't have any
18 other speaker cards. Is there anyone else who would like -- I
19 suggest we take a 15-minute break to see if more people come.

20 Before we take a break, is there anyone else in the room who
21 hasnt submitted a speaker card who would like to comment before
22 the break?

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1 (No response).

2 MS. Yocom: All right, Im going to adjourn the public
3 hearing for 15 minutes, and then well see if more speaker cards
4 come in during the interim. Thank you.

5 (There was a recess in the proceedings.)

6 MS. Yocom: Excuse me, everyone. I just want to
7 update people on the status of where we are. We have not
8 received anymore speaker cards during our break, so we are going
9 to adjourn for another hour. The staff will be here. If more
10 people come in and have speaker cards and want to make public
11 comments, then in that hour -- its 2:30 right now. Then at 3:30
12 if more people have come in and filled out speaker cards, then
13 we will hear their comments. If there are still no speakers,
14 well probably adjourn for another hour, just so everybody can
15 know whats going on. All right, thank you very much.

16 (There was a recess in the proceedings.)

17 MS. Yocom: All right, thank you. All right, we are
18 reconvening the public hearing for the Desert -- for the
19 prevention of significant deterioration or PSD permit for the
20 Desert Rock Power Plant. We had convened from 1:00 to about
21 2:15 and had gone through all of our speaker cards and then had
22 taken a break. I understand there are some people here who want

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1 to comment, so I will call you up in the order that I have your
2 speaker cards. We have been giving people approximately five
3 minutes to speak. So I know there arent many people in the
4 room, but more in fairness to the other commenters if we could
5 try to keep our comments to around five minutes that would be
6 great.

7 Ill now call the first speaker, who is Charles Kiene.

8 Ill also ask that when you go up to the microphone to give your
9 comments if you could please spell your name for the recording.
10 The comments are going to be transcribed into a written record
11 that will be publicly available. And then at that time EPA will
12 respond to the comments. Because, this is only -- this public

13 hearing is only for collecting comments from the public. EPA is
14 not going to be offering responses at this time.

15 Okay, thank you very much. The first speaker is
16 Charles Kiene. Hopefully I pronounced that correctly.

17 MR. KIENE: Yes, you did. So, my name is Charles
18 K-I-E-N-E. I normally don't speak at these type things, but I
19 thought this was important. So my comment is against the Desert
20 Rock Power Plant permit. I feel that burning coal is cheap, but
21 dirty. It affects the air quality. The particles that are in
22 the air collect on the snow, which increases the rate of snow

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1 melt. It also increases the chance of a summer drought, since
2 Durango gets its summer water from this snow melt. It also
3 affects the scenic beauty around the Four Corners, and it's
4 pretty easy to see as you drive around this area the smog that's
5 present. By not having this additional third power plant in
6 this area, it will reduce that problem.

7 A coal power plant is not a long-term solution,
8 because it's not a renewable resource. Once that coal is burned
9 up, then we'll have to go onto something else. So in closing,
10 energy is a great way to improve our way of life but it should
11 be produced in a way that does not pollute our environment and
12 should be renewable. Thank you.

13 MS. Yocom: Thank you. The next speaker is Lars
14 Holbek.

15 MR. HOLBEK: Good afternoon. My name is Lars,
16 L-A-R-S, last name Holbek, H-O-L-B-E-K. And I live about
17 halfway between here and Farmington and have a very clear view
18 of the emissions from the existing two power plants. And we
19 see, you know, very, very hazy air probably half the days of the
20 year, primarily in winter. But any time there's a high pressure
21 system sitting over the area it's very evident that the air
22 quality down there is very poor. And so with the San Juan and

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1 the Four Corners power plants being documented as some of the
2 dirtiest plants in the country, I would like to know how EPA
3 proposes to actually continue to clean the air by adding a third
4 plant, or by permitting a third plant. And specifically, what
5 at sulfur dioxide, nitrogen oxides and carbon monoxide?

6 And then another point I have is that given that the
 7 ozone levels in Farmington are close or soon to exceed EPA
 8 limits, how does the addition of Desert Rock propose to actually
 9 minimize ozone? You know, where is it -- it would seem that it
 10 would only increase ozone levels in Farmington on hot days in
 11 the summer. I would also like to ask, given the documented
 12 health advisories for mercury in the area, how does EPA propose
 13 to comply with the clean air mercury rules to permanently limit
 14 and reduce emissions from coal plants? And in a more general
 15 sense, with the growing consensus of the reality of global
 16 warming how is this plant going to mitigate the amount of carbon
 17 dioxide thats emitted? And theres already a huge amount emitted
 18 by the existing two plants, and hopefully very soon there will
 19 be some sort of limits on CO2.

20 And I guess in closing I would like to say that I
 21 think that energy is an important part of everything we do in
 22 America, but I think that one of the -- its documented that

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1 probably the cheapest way and certainly the cleanest way of
 2 handling energy needs is through conservation. And I would like
 3 to see EPA take a lead role in really promoting the conservation
 4 of electricity, because I know that as a country we can get by
 5 on 20, 30, 40 percent less than we do. I mean, we all know
 6 people who leave lights on in their houses all day while theyre
 7 at work, et cetera, et cetera, and thats just the tip of the
 8 iceberg. Thank you very much.

9 MS. Yocom: Thank you. The next speaker is Nancy
 10 Wiley.

11 MS. WILEY: Hello, my name is Nancy Wiley, and its
 12 spelled W-I-L-E-Y. And Im speaking today as a concerned citizen
 13 in the area I live near Marvel, Colorado, and as with Lars very
 14 concerned with the air quality as we see the smoke and the smog
 15 and the emissions coming up from the current -- the two existing
 16 power plants in the area. Its pretty clear where it comes from
 17 as we can see the plume of smoke coming up from the plants
 18 themselves. Id like to know how the EPA could allow an
 19 additional power plant in this area, where we currently have
 20 two, further degrading the air quality for the people
 21 who live in this area.

22 I believe that its been documented that theres -- that

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1 they are experiencing high concentration of ozone pollution in
2 this area, in the Farmington area, and locals have been warned
3 not to eat the fish out of the lakes in the regional area
4 because of high levels of mercury. I would just like to be
5 certain that all these points are addressed, and not Im certain
6 that they have. So I believe that theres other ways to produce
7 energy. Ive chosen to live off the grid. Weve got many days of
8 sunshine, and I think thats a realistic way to create energy
9 rather than coal-fired power plants in this area. Id also like
10 to where -- with the electricity that it is to be generated by
11 the Desert Rock Plant, where will that be transmitted and who
12 will be the end users for this electricity.

13 I just urge the EPA to consider all alternatives
14 before creating another project that is going to further degrade
15 our air quality. Thank you.

16 MS. Yocom: Thank you. I have three speaker cards.
17 Are there any -- is there anyone else who would like to speak
18 during this session?

19 (No response).

20 MS. Yocom: If there are no further speakers -- lets
21 see what time it is. Its 3:50. Theres an hour and 50 minutes
22 left in the time thats for the -- thats scheduled for the

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1 hearing. So what I will do is Ill adjourn for another break.
2 Most likely because its been a pretty slow afternoon, probably
3 until 4:30. If we get more speakers, well reconvene at that
4 time. Thank you.

5 (There was a recess in the proceedings.)

6 MS. Yocom: All right, we're going to reconvene the
7 public hearing. We have an additional speaker, and we have been
8 -- we began the hearing at 1 o'clock and we've taken some breaks
9 over the course of the day as we've ran out of speaker cards.

10 So we do have one speaker. Just in the interest of fairness to
11 the earlier speakers, we had been asking people earlier to keep
12 their comments within five minutes. Even though there's only
13 one person, if you could try to keep your comments in that range
14 we would appreciate it. Thank you.

15 The commenter is Dave Wuchert.

16 MR. WUCHERT: This is a live mike?

17 MS. Yocom: Yes. Oh, and if you could please spell
18 your name for the transcriber.
19 MR. WUCHERT: It's W-U-C-H-E-R-T.
20 MS. Yocom: Okay, thank you.
21 MR. WUCHERT: Okay, because I live in a mercury
22 impacted area, and I live in Dolores where we have McFee

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1 Reservoir and Naraguana Reservoir and not too far from Mesa
2 Verde Park where there are known mercury fallout problems. And,
3 therefore, my focus is on mercury. I'm concerned over the fact
4 that in your PDS permitting process mercury is not considered a
5 criteria pollutant. So its impact on public health, therefore,
6 is not going to be evaluated in this permit assessment. And
7 frankly, I think it's wrong, because I know EPA is aware of the
8 mercury problems in the area. The National Park Service has an
9 air monitoring station or site in Mesa Verde. I've got the data
10 on that, and for the last few years the amount of mercury
11 fallout in Mesa Verde Park that's been captured there has been
12 second highest in the nation. And when you consider the
13 monitoring site is a wet deposition site, and for the last
14 couple of years we have had very little rainfall. We've had
15 drought conditions here, which most people know. So, therefore,
16 the amount of mercury that actually is there, the total was not
17 captured. So the problem could be far worse than what the data
18 shows.
19 So I'm very concerned about that. We know that there
20 are problems with mercury in the predatory fish in McFee and
21 Naraguana Reservoir. The speculation was for years that it was
22 coming down the Dolores River from the Rico Mining District. I

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1 worked for two summers as a volunteer for the EPA Region 9 out
2 of Denver, where we did extensive water sampling of the river.
3 The data shows that the amount of mercury coming down that river
4 is insignificant and is a negligible contributor to any mercury
5 that's showing up in McFee. Okay, if you add that together with
6 the fact that we have the air emission data for Mesa Verde Park,
7 we know we've got a pretty serious fallout area here. And
8 everyone should know, at least EPA, that mercury, whether it's
9 in its quicksilver form or whether it's in its organic form of

10 methyl mercury, can be extremely toxic. It's a toxic pollutant.
11 It's very toxic neurologically to young children and babies in
12 the womb. And, therefore, I'm very concerned over the fact that
13 you're not looking at mercury.

14 And my other comment on this is that before you issue
15 any permit I think you ought to do some monitoring, further
16 monitoring, in this impact area. I think you need to establish
17 more monitoring sites, air quality monitoring sites. I think
18 you also need to do some analyses for mercury in the soil and
19 the surrounding area, as well as in the vegetation. There is an
20 uptake of mercury from the soil into vegetation, so that's a
21 good way to measure it. Now no one has done that. No one has
22 any -- absolutely no idea how much of a mercury problem might be

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1 there. But now you're talking about, without knowing that,
2 adding more to it. Because everyone knows that coal-fired power
3 plants emit significant amounts of mercury. It's a very
4 difficult thing to capture in the scrubbing process even with
5 state of the art equipment. So we're just going to be exposed,
6 when this new plants comes on line. The problem is with the two
7 existing plants, but when you put the new plant on line the best
8 they're probably going to do is 85 percent, maybe, removal of
9 the mercury. So what you're doing is making an existing problem
10 worse, because you're adding to it.

11 And so that's the extent of my comments I just want
12 the EPA to consider before they issue this permit, if they're
13 going to issue it, the mercury impact on public health, the
14 people in those areas where the prevailing winds carry it. And,
15 therefore, I expect that something would be done in that area.
16 To do that type of analyses doesn't take a whole lot of time,
17 and I would expect that it would be done before this permit is
18 granted so that you have a baseline, you know what potential
19 problem exists there and what the potential problem could be
20 once this plant goes on line, assuming the other plants aren't
21 brought into compliance, and I still don't understand why
22 they're not in compliance.

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1 And finally, if the plant is built I think you need to
2 do this air quality monitoring and analyses of the soil and

3 vegetation in the area, the surrounding area, probably maybe 30,
 4 40 miles out, as an ongoing program, so that if enough mercury
 5 comes from this new plant combined with the other two plants,
 6 where we begin to see additional build up in the soil,
 7 additional build up in McFee Reservoir and Naraguana Reservoir,
 8 and we're capturing more from the air. Then I think you've got
 9 to look at this as a very serious problem. And even though the
 10 plant may be up and running, and then you're going to have to
 11 take some remedial action, or you're going to just say, well,
 12 this is a sacrificial area. We can let these people suffer the
 13 consequences in the interest of providing power to areas with
 14 higher density populations, like California and Arizona. And
 15 understand that a while back Congress did designate this general
 16 area here, the Four Corners area, as a sacrificial area. Now I
 17 don't know if that legislation is still on the books. I haven't
 18 been able to find it.

19 But nonetheless, my final comment is: Is it not EPA's
 20 mandate to protect the citizens of this nation knowing that
 21 there is a problem that exists already? Thank you very much.

22 MS. Yocom: Thank you. The next speaker is Todd

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1 McKane. If you could please spell your name into the record,
 2 just a brief overview. This is being recorded. It will be
 3 transcribed into written record. Although there aren't many
 4 people here now, we've been telling people throughout the day to
 5 keep their comments to around five minutes. Okay, thank you.

6 MR. McKANE: No problem. So it's Todd McKane, T-O-D-D
 7 M-c-K-A-N-E. So I know the EPA is tasked with protecting the
 8 environment, protecting the human health and quality of life of
 9 America and its citizens, but I'm not so naive to know that this
 10 EPA is tasked with doing those things but with the least
 11 possible disruption to extractive industries and those that
 12 create energy from the burning of fossil fuels given the current
 13 political climate. It is interesting to note that the Four
 14 Corners region has already witnessed the collapse of one once
 15 great human civilization. I just think it's ironic that we
 16 could indeed be witnessing the genesis of another ecological
 17 suicide yet again.

18 We know that climate change is real, yet we stoke the
 19 fires for more climate change. We continue to foul our own
 20 nest. So I encourage the Environmental Protection Agencies to

21 not let these industries foul the nest. Please strong
22 regulation CO2 emissions and mercury emissions from this

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1 proposed plant and the others in the Four Corners region. Thank
2 you.

3 MS. Yocom: Thank you. All right, we've gone through
4 all of the speaker cards. Is there anyone else who would be
5 interested in speaking today?

6 (No response).

7 MS. Yocom: All right, it's a quarter to 5:00. This
8 hearing was scheduled to go from 1:00 to 5:00. Given the
9 lateness of the day it seems unlikely that we're going to be
10 getting any speakers for this afternoon session. So we will go
11 ahead and adjourn. We're going to be reconvening for the
12 evening session at 6:00 p.m. Thank you.

13 (There was a recess in the proceedings.)

14 MS. Yocom: ... proposed Clean Air Act, the
15 prevention of significant deterioration or PSD permit for the
16 Desert Rock Power Plant. With me on the panel is Gerardo Rios
17 of the Region 9 Air Permits Office. In addition there are a
18 number of other EPA staff members here to assist with the public
19 hearing. Before we begin accepting your comments, we will be
20 providing you with some introductory information. First,
21 Gerardo Rios will briefly explain the Clean Air Permitting
22 Process and how today's public hearing fits into that process.

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1 After that, I will describe the procedures for today's hearing.

2 I ask that you please refrain from interrupting or
3 asking questions during Gerardo's presentation, as you will have
4 the opportunity to make comments shortly once we begin the
5 public comment portion of this hearing. We realize that this is
6 a complex issue so informational material is provided during the
7 prior public information meetings are available next to the
8 registration table. Gerardo.

9 MR. RIOS: Good evening. My name is Gerardo Rios. I
10 am the chief of the Permits Office in EPA Region 9, which is
11 located in San Francisco. I'll go through this presentation --
12 it's going to be very brief -- to discuss with you or to let you
13 know how the PSD permitting process takes place -- if I can get

14 this to move. Here we go. So the purpose of today's public
15 hearing is to allow you the opportunity to make public comments
16 orally and as part of the permitting process for the proposed
17 permit. You may have heard of different hearings related to the
18 Four Corners power plants. They are separate from this hearing.
19 That hearing is actually happening in Farmington on Thursday.
20 If you need more information about that hearing, you can go to
21 the tables to our right -- or, to my right and your left -- and
22 there's some additional handouts. This hearing today is for the

00053

1 PSD permit -- for the proposed PSD permit for the Desert Rock
2 Power Plant.

3 What is the project? The project is a coal-fired
4 electric generating facility. It is projected to produce about
5 1,500 megawatts of electricity, which is about enough
6 electricity for 1.2 million homes per year. And it is proposed
7 to be located 25 miles south of Shiprock. The sources of air
8 pollution covered by the proposed permit will be for the two
9 large boilers, emergency generators and fire pump, smaller
10 auxiliary boiler, and the material handling at the facility.

11 The PSD permitting process is basically outlined in
12 this light, and it starts with the permit application submitted
13 by the applicant. At that point what we do is do a technical
14 analysis -- thank you. It's followed by a technical analysis
15 which is done by our staff. And after we determine that we are
16 satisfied that the facility -- the proposed facility will meet
17 all the regulatory requirements, then we propose the permit,
18 which is the first yellow box. At the same time we also allow
19 the permit to be reviewed by the public and for the public to
20 comment, which is essentially saying we start the public comment
21 period. In this case we allowed -- were required to do 30 days.
22 We allowed for a 90-day public comment period. After the end

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1 of the public comment period there's a response to comments and
2 then at the end -- after we make our written response to
3 comments we make a decision regarding our next action.

4 So once we make our final action there is an
5 opportunity to appeal the permit if any of the commenters
6 disagree with our position. Currently we are in the public

7 review process and as part of that process we have held this
8 public hearing and there will be another one tomorrow at
9 Shiprock. Issues that you should address, or we recommend that
10 you address in the permitting process, are the best available
11 control technology determinations that we have made, the effects
12 of the proposed facility on ambient air quality and visibility
13 including the public health standards called National Ambient
14 Air Quality Standards, the effects if any on special national
15 parks and wilderness areas known as class one areas. And if you
16 need more information on the proposed permit please visit the
17 information table. I believe we have a couple of copies of the
18 permit and the ambient air quality impact report.

19 To comment, please submit comments at the e-mail
20 address listed here, which is desertrockairpermit@epa.gov. You
21 can also submit comments by fax to the fax number listed, (415)
22 947-3579. Please make your fax to the attention of Robert

00055

1 Baker, and they must be submitted by October 27. You can also
2 mail comments to us, and they must be postmarked by October 27,
3 to the address in red. You may also submit comments today,
4 written comments. There's a box at the entrance that you can
5 submit them. Or, if you want to speak -- and Danita will go
6 over that in more detail with you -- please make sure that you
7 fill out a speaker card so that we can include you. Thank you.

8 MS. Yocom: Thank you, Gerardo. Now I'd like to go
9 over some ground rules for today's public hearing. This hearing
10 is a formal legal proceeding. Public notice of this hearing was
11 made by publication in the Durango Herald. Public notice was
12 also placed on EPA'S web site. This hearing is being
13 electronically recorded by a court reporter, who will later
14 prepare a verbatim written record of the hearing. If you
15 present oral comments at today's hearing, please speak clearly
16 and slowly so that the court reporter can understand you and
17 record your comments accurately. If you need assistance with
18 translation to Navajo or Spanish please raise your hand and
19 someone will assist you. Where you came in there's a
20 registration table. You don't need to register to attend the
21 hearing, however, if you would like to make oral comments at
22 today's hearing please fill out a green speaker card. If you

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1 already signed up on EPA'S web site, you don't need to fill out
2 a card.

3 I will be calling individual commenters based upon the
4 order they submitted their speaker cards. If you don't wish to
5 speak tonight, you can also submit written comments for the
6 official record. Written comments and oral comments will
7 receive equal consideration by EPA in making the final permit
8 decision. Handouts with directions for submitting written
9 comments are available at the registration table, and there's
10 also a box for submitting written comments. If you would like
11 to write comments while you are here today, a form for that
12 purpose is also available at the registration table. If you
13 have submitted written comments it is not necessary for you to
14 give oral comments as well, although, of course, you are welcome
15 to do so. The oral comments received at this hearing and all
16 written comments received by the end of the comment period will
17 be considered by EPA when preparing the final permit.

18 EPA decisions on Clean Air Act permits are typically
19 made with the participation of a number of people within the
20 organization. EPA staff cannot commit to any specific decision
21 related to the permit today. The purpose of this hearing is to
22 listen to your comments, so we will not be providing responses

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1 to the hearing. Rather, EPA will prepare a written summary of
2 the comments and EPA'S responses. The response to comments will
3 accompany the final permit decision. EPA will not make a
4 decision on the proposed permit until all comments have been
5 considered.

6 EPA'S notice of final decision on the permit along
7 with the response to comments will be sent to each person who
8 has submitted written comments or who signed up at the
9 registration table to receive notice and provided an e-mail or
10 postal address. This information will also be available on
11 EPA'S web site. A copy of the transcript of today's hearing
12 will be available for inspection and copying at EPA'S office in
13 San Francisco. We also intend to make this available on EPA'S
14 web site. When EPA issues a permit it becomes effective 30 days
15 after notice of the decision. However, EPA'S final decisions
16 are reviewable by the Environmental Appeals Board under the
17 regulations found at 40 CFR Part 124. A petition for a review

18 must be filed within 30 days of the final decision.
19 In a few minutes I will begin calling on speakers.
20 Speakers will be called in groups of five in the order that they
21 will be presenting. When you hear your name, please come
22 forward and wait in the front row until it is your turn to

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1 speak. If you need assistance moving to the front row and the
2 microphone, please raise your hand when your name is first
3 called and an EPA staff member will assist you. When I announce
4 it is your turn to speak, please come up to the microphone.
5 State your name. Please spell your name for the transcriber.
6 And if you are appearing on behalf of someone or on behalf of an
7 organization, please tell us who you are representing.
8 In order to give everyone who wishes to speak at the
9 hearing a chance to do so, I ask everyone who speaks to please
10 make your oral comments brief, as this hearing session is
11 scheduled for three hours this evening. To assist in this
12 effort, I'm asking speakers to limit their comments to give
13 minutes. If you have lengthier comments, you may submit those
14 in writing. Each speaker will be given a one-minute warning by
15 our time keeper, Bob, and then notified when their time is up.
16 We also have a sign for that, as well.
17 All right, let's begin the comment period. I'll read
18 the names of the first five speakers: Wally White, R.G. Hunt,
19 Carla Hunt, Steve Cone and Jim Schneider. Wally White can go
20 ahead and go straight to the microphone, if you'd like.
21 MR. WHITE: Good evening. My name is Wally White.
22 And thank you for being here and taking comment tonight. I am

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1 chair of the Board of LaPlata County Commissioners. I can't
2 speak for the board tonight, as we haven't yet taken action on
3 the proposal. However, we do have discussion on it next week,
4 and I anticipate that we will be submitting a letter of
5 opposition to the Desert Rock project.
6 Many of the concerns that we have I'm sure have been
7 outlined already. One of the major ones is the cumulative
8 effects, and I understand that from the previous hearing that
9 you had at Fort Lewis College that the cumulative effects of the
10 pollution from the plant have not and will not be assessed, that

11 each plant will be assessed on its own individual basis. Since
12 we already are experiencing problems here particularly related
13 to mercury, as you know, Vallecito Reservoir has been posted as
14 warnings for mercury as has Naraguana over in Montezuma County.
15 Mercury being one of the prime toxic materials coming out of the
16 coal-fired power plants, we feel that it is not in our best
17 interests for you to fail to test this prior to any type of
18 permitting process.

19 In addition as I go back to the cumulative effects,
20 these are effects that will have ongoing negative impacts on
21 this entire region. And I'm afraid that any failure to actually
22 study the cumulative effects will negate any kind of mitigation

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1 that is possible from this power plant. I mean, we already have
2 two here and it has been well documented that we have impacts
3 here. Many people who come here and haven't visited this area
4 think we have pristine air quality. Well, that is unfortunately
5 not the case. We are suffering from air pollution like most
6 communities in the United States. Ours is a little bit
7 different, but nonetheless we here in Durango and LaPlata County
8 lay within the air shed of all the power plants that are
9 currently in existence and are proposed for the Southwest.

10 Consequently, I think that the effects upon this
11 community and throughout the Four Corners region are extremely
12 important. I just -- I am at a loss of why the EPA does not
13 believe that it's worthwhile to study cumulative effects of the
14 pollution that we will experience here. I know you have kind of
15 a designated permit process, but I think it's necessary maybe to
16 re-look that, re-visit that, and see what is really important to
17 the people here and to the future of this community. You know,
18 for many of us my age, you know, we won't live to see some of
19 this, but our children, our grandchildren will all see this.
20 And the effects upon our economy, which is mainly based on
21 tourism here, if we lose our air quality we're going to lose the
22 basis for our economy, and that is tourism. People come here to

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1 visit Mesa Verde, Chaco Canyon, the Werninuche Wilderness area.
2 They believe in this area as being somewhat pristine. If we
3 continue to have power plants that plan on really exporting

4 energy, electricity, to other communities and we bear the brunt
 5 of that, how does one get compensated for that? I don't know
 6 that there's a good answer for that one.

7 But I don't think that we need to be impacted for the
 8 -- our own health, the health of future generations, simply in a
 9 -- for a speculative plant such as this. It's my understanding
 10 that really no contracts have yet been signed for energy, that
 11 this is what might be termed a speculative building project. I
 12 think that's improper. We need to demonstrate the fact that
 13 there is a need for this plant and any others that may come
 14 behind it. So far I have not seen any documentation that would
 15 substantiate a need for it. So I would ask from a personal
 16 standpoint that this permit be denied and you revisit your
 17 permitting process so you can include studies both on mercury
 18 and the cumulative effects of this plant and the others that are
 19 proposed behind it. Thank you.

20 MS. Yocom: Thank you. The next speaker is R. G.
 21 Hunt.

22 MR. HUNT: Yes, my name is R.G. Hunt and I'm from

00062

1 Waterflow, New Mexico. We prepared this speech -- on May 28,
 2 1981, a happy, healthy --

3 SPEAKER: Could you spell your name for me.

4 MR. HUNT: H-U-N-T.

5 SPEAKER: And first name?

6 MR. HUNT: R.G. On May 28, 1981, a happy,
 7 six-year-old boy named Joel played in the Shumway Roy
 8 (phonetic) attending his grandfather's birthday celebration.
 9 That evening he was pronounced dead at the San Juan Regional
 10 Hospital in Farmington. The cause of death, enterocolitis
 11 (Indiscernible). Further down the Shumway Roy that same year
 12 Audrey and her husband, both graduates of BUI, were anticipating
 13 the birth of another baby, when Audrey was diagnosed with
 14 leukemia. Although the baby was delivered early by C-Section,
 15 the mother died before he was one year old. Their story
 16 continues. As teenagers, Audrey's sons took daily oral
 17 medications to regulate their normal body functions. School was
 18 a constant challenge because of behavioral and medical problems,
 19 and the baby required so much individual care he was unable to
 20 attend public schools, thus creating additional cost and burden
 21 for the care givers and the teachers at home.

22 My family have lived along the Shumway Roy a for five

00063

1 generations now. We are the nearest neighbors to P&M San Juan
2 generating station. Our property has several fresh water
3 springs, where many people came to get their drinking water when
4 the area was being settled. The Shumway Roy a was a dry wash at
5 the time flowing only during a storm. In 1970 when the power
6 plant was built, our water was coming from local groundwater. I
7 am 55 years old. I have four sisters and recently lost my
8 brother to Multiple Sclerosis after many years in a life care
9 facility. My sisters have Down's Syndrome, lupus, severe
10 rheumatoid arthritis. My father died prematurely to cancer. My
11 mother is in full-time care due to Alzheimer's. I have
12 prematurely lost four half-brothers and sisters to cancer. All
13 were raised along the Shumway Roy a in the last three decades.
14 My four children were all diagnosed early in life with ADD and
15 ADHD. In 1982 I lost over 60 pounds unexpectedly, and the
16 doctor suspected I had a heart problem but none were found. The
17 diagnosis ended up as possible poisoning. And for almost ten
18 years my family was unable to eat anything except boiled foods.
19 We struggled to keep the family business afloat because of
20 weakness and sickness. My family was healthy and active until
21 P&M began dumping fly ash into our water and air.
22 My father established a slaughter business for sheep

00064

1 in 1958. All of my life I have worked with and raised sheep,
2 then worked to sell the meat to the Navajo people who lived
3 nearby. After the plant was built, water was discharging into
4 the Shumway making it a perennial stream. Because the plant
5 told us the water was fine, my sheep were grazing water along
6 the Shumway Roy a. Within a short time I lost 1,400 head of
7 sheep. Not even the wild coyotes would eat the carcasses. I
8 had to gather them together and burn them. Although I had them
9 tested by EPA and the New Mexico ED, they waited 13 months after
10 the report was being investigated. The test were inconclusive,
11 showing some abnormalities in the heart. One New Mexico ED
12 attorney told the newspaper reporter that the sheep had received
13 poor care. I have raised sheep for many years and have been
14 awarded exemplary performance awards by the New Mexico

15 Environmental Livestock Board. I did not neglect my livelihood,
16 and the sheep were healthy until they drank from the Shumway
17 Roya.

18 With the recent scare over e.coli in spinach the
19 public is more aware than ever of protecting our food source.
20 However, both water and air pollutions are commonplace in our
21 neighborhood because of the power plant. Millions of dollars
22 are spent to lobby for regulation permits, which allow more

00065

1 power for the other states. Daily unmonitored fly ash are
2 released to the air and in the water and the water flow for
3 Kirtland and Upper Fruitland. The Shumway now has more than 50
4 gallons per minute flowing all year round. Water tests prove
5 that there are dangerous levels of sulfate and other metals, yet
6 no one had warned us to keep away from it or protect their
7 animals and food from it.

8 Since public interest had been ignored for decades in
9 the favor of large corporations, many citizens are hesitant to
10 voice their concerns, knowing they would be ignored and probably
11 retaliated against as many families and neighbors have
12 experienced. If all pollution were stopped today, I still would
13 spend the rest of my life worrying how it would affect my
14 grandchildren, their health in the future, what unknown health
15 problem will develop in their parents. Will they be able to
16 work and support their families in 20 years? What about our
17 land and resources? Will the effects of our pollution be
18 reversible? Can you safely eat vegetables from the garden?

19 Your committee has the ability to voice the concerns
20 for them. Please don't ignore our real problem by failing to
21 consider how another plant will impact the community and
22 increase the pollution we already live with every day. And

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1 there is one thing I will say to people, and I want you to
2 understand, because I dropped out of school in Kirtland in the
3 eighth grade. And when the New Mexico State EID epidemiologist
4 come to my hand and could see that my family was sick and at the
5 verge of death, my kids' was aged 5 to 2 years old. And this
6 doctor, she said, "You know, given the fact it's one family it's
7 not worth investigating."

8 And I want to tell you folks something, them kids put
9 their heads together and they (Indiscernible) the same school
10 that I dropped out in for 52 years of perfect attendance. And
11 the reason they did that is to show the government that they
12 were better than what the government was to them. And just like
13 I say, there's a zero discharge permit down there and it's
14 running 50 gallons a minute, 7 days a week, 365 days a year,
15 with a zero discharge permit. And you know, I hope and pray to
16 God you people don't ever have to go to bed at night and worry
17 whether your kids is going to get up in the morning.

18 And I'll be honest, the Navajo people does not need
19 another power plant on that reservation. And when you go out
20 there and you see the pile of fly ash they got over there at APS
21 and you go over there at San Juan generating station and all the
22 evidence that we submitted to the EPA, the only thing I can say,

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1 I feel that the EPA had taken the evidence and used it to defend
2 themselves for what these large corporations has done to a bunch
3 of innocent children. I appreciate your time for listening to
4 me.

5 MS. Yocom: Thank you for your comments. Carla Hunt,
6 please.

7 MS. HUNT: I must tell you first that I did grow up
8 on the Navajo Reservation and I am very well acquainted with not
9 only the Hunt family but with the Navajo culture as well. I
10 currently work and manage a mutton store that my husband had set
11 up before I came to the area, and I visit daily with probably
12 200, 250 customers, mostly of the Navajo race, when they come
13 into that store. My concern for them is they don't feel like
14 they have a voice most of the time. They feel like it has
15 already been decided and they have no choice but to just let
16 this happen.

17 I am concerned for several reasons. We do already
18 have a pollution problem there. Our home is directly adjacent
19 to the San Juan generating station, and there are times when our
20 sky is grey. As I said, I lived on the reservation. We had
21 absolutely beautiful blue skies, wonderful starry nights, that
22 are completely obscured many times in our area. The beautiful

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1 pink clouds are pollution. The oranges and the purples that are
2 so pretty over Shiprock are what our children are breathing and
3 are killing them. Those same plants have made some changes.
4 They're now bagging that pollution and burying it for our water
5 to seep through and destroy our river and destroy the animals
6 and the fish who use that river to live. And our Indian people
7 and our customers recognize that. Their tradition is very much
8 centered around their earth and around the complete cycle of
9 life and how animals and plants and people co-exist in this
10 earth. And when a power plant comes in and pollutes one part of
11 it, whether it's air or water or noise, it affects their entire
12 way of living and their entire life. And, yes, they are very
13 concerned about it but they don't feel like they have any choice
14 but to allow it to happen.

15 I ask you as you consider this permit to recognize
16 that there is a whole nation with very few people willing to
17 speak out and who have the knowledge and the ability to come to
18 you and say, "We don't want it." I hear from them daily. They
19 remember what their country was and what their home was and what
20 their land was. Their land has passed from one generation to
21 another generation to another. Many of them have lived on that
22 reservation and in that one place for 20 and 30 generations.

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1 Even when they were taken off of it they came back to that home,
2 and their main thing when they came back from Fort Sumner was,
3 "Just let us see Shiprock." And there are days they can't see
4 Shiprock, and it's only 12 miles from our home. Please, don't
5 ignore their concerns.

6 MS. Yocom: Thank you. The next speaker is Steve
7 Cone.

8 MR. CONE: I'm Steve Cone, C-O-N-E. San Juan Basin
9 and Four Corners area comprise a region that can best be viewed
10 as a national sacrifice area in which rules, regulations and
11 statutes, including the National Environmental Policy Act and
12 the Clean Air and Water Acts, are routinely circumvented and
13 purposely twisted by government and cooperating agencies to
14 maximize the profits and extend the power of a favored few.
15 Personnel from federal departments, bureaus and agencies
16 routinely function at the behest of industry lobbyist as the lap
17 dogs of corporate profiteers. Now here tonight we have EPA
18 administrators officiously presiding over a culture of

19 environmental degradation that has become the premier growth
20 industry of this region. Unfortunately, this sort of corruption
21 and graft is magnified in the San Juan Basin due to
22 (Indiscernible) and empowered by such unrestrained access and

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1 influence, widespread public concerns about cumulative
2 environmental and adverse socioeconomic impacts are routinely
3 dismissed as irrelevant, insignificant or outside the scope in
4 federal assessments and studies of proposed projects.
5 Currently Sithe Global Power, LLC and the Navajo
6 Nation are proposing to construct a Desert Rock energy project
7 on federal tribal trust land on the Navajo Reservation. Given
8 the project's large size and the various other existing and
9 proposed energy development and generation facilities in the
10 adjacent San Juan Basin, a comprehensive evaluation of the
11 project's cumulative impacts is of the utmost necessity. Only a
12 fool would pretend that the potential significant adverse
13 impacts of a Desert Rock energy project are isolated and
14 unrelated to the substantial environmental degradation and
15 severe health problems associated with other facilities
16 currently operating in and around the Four Corners area. And we
17 are not here tonight to silently suffer such foolishness.
18 Tonight's hearing is premature, presumptuous and an
19 affront to the sensibilities of responsible citizens. How so?
20 The Bureau of Indian Affairs and the Department of Interior have
21 not even completed a draft environmental impact statement for
22 the project pursuant to the National Environmental Policy Act.

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1 None of the hundreds of questions and concerns voiced almost a
2 year ago now by scores of citizens and groups have been formally
3 addressed. No value purpose or need has been identified for
4 this project. No reasonable range of alternatives has been
5 seriously considered. The proponents of Desert Rock have made
6 no reasonable case that the project will not cause adverse
7 effects to the human and natural environment. No meaningful
8 mitigation strategy has been advanced to minimize project
9 impacts. The BIA has failed to offer timely response to
10 community members and now EPA has their cart before the horse.
11 Yes, dog and pony show is an apt metaphor for the official

12 falderal we find before us here tonight, and we the people are
13 being victimized and poisoned by this process.

14 The release of an adequate draft EIS on Desert Rock is
15 an obvious prerequisite to any informed comment on your EPA
16 clean air draft permit. But we have no Draft Environmental
17 Impact Statement on the proposed Desert Rock project. What we
18 do know is that BIA's scoping process for their draft EIS was
19 deliberately designed to severely narrow the range of inquiry by
20 restricting the scope of the environmental impact statement so
21 as to skirt the overriding issue of cumulative impacts.

22 The federal government is effectively perverting NEPA,

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1 breaching the public trust, and making a mockery of their entire
2 decision making process. EPA has now moved front and center to
3 play a key role in this travesty. It would be in everyone's
4 best interest for EPA, Sithe, the BIA, URS and the DANA Power
5 Authority to slow down, back up, and at least pretend to make an
6 honest, wholehearted effort to get it right. If the project
7 sponsors and their consultants
8 are unwilling to be open with the public in assessing the
9 cumulative impacts and health consequences of the proposed
10 action, if they are unwilling to give serious consideration to
11 reasonable alternatives, including the No Action alternative,
12 then they should pack up their bags and go peddle their power
13 project somewhere else. But take note, we do not care to have
14 our communities further poisoned and looted by the politics of
15 profiteers hellbent on runaway, unsustainable growth.

16 Since the get-go Navajo residing in the proposed
17 project area have raised concerns that Sithe, EPA, and certain
18 Navajo Nation officials have not acknowledged an overwhelming
19 opposition to the project by tribal members in the area. In the
20 rejection of the project by local chapter governments, project
21 promoters have sought to undermine all opposition by creating
22 boundary disputes and pitting individual tribal members and

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1 chapters against each other. Many have come to see this rightly
2 for what it is, a classic land grab. Strong arm tactics such as
3 land withdrawals finagled through the tribal agencies are
4 intended to satisfy promoters of Desert Rock and fill their

5 international corporate coffers. The voices of tribal members
6 who are rooted to the land are irrelevant to Sithe. We would
7 all do well to listen closely to tribal members who are saying
8 no to token payments for land that is their lifeblood, tribal
9 members who are saying no to forced relocation, tribal members
10 who are saying no to the uprooting and abandonment of their
11 traditional ways, and no to the poisoning of their grandchildren
12 by a third massive coal-fired power plant. And that's it.

13
14 MS. Yocom: Thank you. The next speaker is Jim
15 Schneider.

16 MR. SCHNEIDER: Good afternoon. I'm Jim Schneider,
17 J-I-M S-C-H-N-E-I-D-E-R. The two main points I wanted to make
18 is we know this plan will produce tons and tons and tons of
19 toxic things, and we know, if you believe in science, that this
20 will have caused death. What is going on here is your proximity
21 to the prevailing winds and where you are, the concentration of
22 the pollutants coming out of the stack is killing people. And

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1 you cannot go down to the Navajo Reservation and see this. I
2 mean, this is if you open your eyes. You look at the prevailing
3 winds. You look where the health is. We can look the other
4 way. But if these were rich white people, the plants wouldn't
5 be running. And to put more on is simply saying: Well, instead
6 of killing a thousand people this year we'll just kill a
7 hundred. Does that make it right? Because bottom line, that's
8 what this is doing. This is causing death, premature death, the
9 health problems. I mean, just go down there. It's just -- it's
10 shocking in this day and age, in a country, the biggest economic
11 country in the world, what we're doing to our people. So on
12 that I'd say vote no. You cannot.

13 And the other thing is, even if you don't mind killing
14 poor American Indians the economic effects of filthier air --
15 what drives this economy here is the ultra-rich. The ultra-rich
16 aren't going to invest in our area if they're visibility in air
17 pollution is radically pushed out. But thank you and have a
18 good day.

19 MS. Yocom: Thank you for your comments. All right,
20 the next five speakers are David Karabelnikoff -- I hope I
21 pronounce this right --, Mike Eisenfeld, Brad Bartlett, Jeff
22 Stant and Andy Bessler. If you want to come up to the

00075

1 microphone, David Karabelnikoff -- did I pronounce that
2 correctly?

3 MR. KARABELNIKOFF: Yes. It's spelled just like it
4 sounds. It's K-A-R-A-B-E-L-N-I-K-O-F-F, David. I came here
5 today because -- first of all, you know, my name is David
6 Karabelnikoff. I'm from Alaska. I'm (Indiscernible). And I've
7 seen a lot of growing kind of trends with the push for economic
8 development. And like other people have said before here today,
9 it doesn't seem that there's been a demonstrated need for a
10 power plant of this type, and it seems that the type of
11 questioning that the EPA is doing is at a very small scope to
12 allow this permitting process to go forward without looking at a
13 bigger ecological picture of what's happening in the Four
14 Corners area and the Southwest Region.

15 You have -- something like 60 percent of power is
16 coming from coal, which is a finite resource. You have a finite
17 amount of water supply. It's diminish on the increase -- the
18 need goes up. By putting another power plant on the Navajo
19 Reservation, which is going to be piped out to other urban
20 centers here, it creates an overall ecological strain on the
21 system that doesn't seem to be able to -- once you go beyond the
22 carrying capacity of a system, you start to run into either

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1 technological problems or health problems, or -- you run
2 yourself into a wall. And it seems that while the best way to
3 limit pollution is to adequately look at alternative energy,
4 such as solar power, wind power, there are other non-pollutative
5 measures. And it seems that by building another power plant we
6 create a dependency on energy and accustomed to energy at the
7 cost of pollution and energy at the cost of a less clean
8 environment being the trend.

9 And as the past has an orientating and perspective
10 giving look in the future, we give to the people who will take
11 this land from us -- we give them an input that says that it is
12 okay to make energy at the expense of the environment, that it
13 is okay to go for easier alternatives rather than take a
14 possibly more challenging one but also more sustainable one.

15 It also seems that as the other coal-fired power

16 plants on the Navajo Nation, the highest consumer of electricity
17 -- of them is the power plant themselves to fire the coal. So
18 you build the power plant that uses the most energy itself to
19 make the power. And then the second highest user is the coal
20 mine next door. And so in order to have a system that is so
21 energy inefficient and so basically inefficient and highly
22 polluting, it seems contrary to a good sustainable energy plan

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1 development that gives you one reliable power. Because this
2 power system is going to be finite, to the ability for people to
3 make alternative energy and sustainable energy sources when they
4 become accustomed to a higher energy need will be more
5 difficult, and also that the carbon dioxide emissions that are
6 coming have been, I mean, linked to causes that are attributed
7 to global warming. And while the scientific kind of committee
8 is still out to class on that one, it seems that when I came
9 from Alaska this year the elders talk about how the environment
10 has changed, about how when my friend who is my age, who is 23,
11 24, goes out on the ice to do whaling in the traditional way
12 that his people have lived there for thousands and thousands and
13 thousands of years, that he no longer goes out and lives on the
14 ice, that they stay -- that they go out in a boat and they wait
15 for the icecaps to break up and they go out on open water, and
16 rather than in the old way, which is he would go out and stay on
17 the ice for two weeks in a camp.

18 And these changes have been happening since the time
19 that my grandfather talks about glaciers being far, far on the
20 roads where there's now -- you see the glaciers several miles
21 off in the distance. And it seems that with these -- with
22 taking -- without looking at the larger impact of this, not only

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1 at the larger Four Corners areas but also the larger national
2 priority of where the United States is going with its energy
3 policy, that this seems to be very short-sighted and very, very
4 -- it lacks a certain depth in how it looks at the future of
5 where will be in 50 years, where will we be 150 years. What
6 will the people think about us if we let things like this
7 continue to happen and we give them a problem that possibly
8 can't be solved by the technological standards? Because it

9 seems that technology has always been accredited as being able
10 to invent new ways of dealing with these problems. But it seems
11 that humans are able to push the equilibrium cycle out of an eco
12 system, but we don't know how to bring it back into flux, into
13 balance. We can damage it and, yet, once it's damaged we can
14 make it scientifically proven that we did do it. And, yet, to
15 bring it back into a balance we seemed to be less talented at.
16 But I just wanted to voice my concerns about allowing
17 to have anymore new coal-fired power plants with the smog that
18 they create, the pollutants that they put in the air, the water
19 pollution that it causes in other reservoirs, basically the
20 scope as how the EPA is looking at this, too. Because, I don't
21 know how many of my comments are even going to touch on points
22 that you even looked at, that how the EPA looks at that things

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1 to classify whether they are going to give a permit or not and
2 rather than give permits to obviously polluting methods of
3 creating energy, rather than that, that to give alternative
4 energies from more sustainable development.
5 And my -- yeah, my reason for coming here was just out
6 of concern for people that live around this area but also for
7 the larger impacts that things like this have. It seems that to
8 only look at this from like a Four Corners area perspective
9 seems to be kind of lacking, because when you have -- when you
10 rely on water and the coal-fired power plants are the largest
11 users of water on an industrial scale in the United States, the
12 Four Corners area is -- one of the big issues is talking about
13 water supply and water access. So to build a very energy
14 intensive development that requires a lot of water seems to not
15 grasp the whole situation of water needs for these people that
16 it's going to be providing power to. And I don't know which one
17 I would take on a really bad day, a TV or a glass of water if it
18 came down to it.
19 So thanks for letting me share.
20 MS. Yocom: Thank you. All right, I understand my
21 next speakers are Mike Eisenfeld, Brad Bartlett and Jeff Stant,
22 and we had agreed that you would combine your time. Is that

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1 correct?

2 MR. BARTLETT: Yes, ma'am, that's correct.

3 MS. Yocom: Okay.

4 MR. BARTLETT: And I think Mr. Rios was kind enough to
5 get the PowerPoint presentation up for us. And I think what
6 we'd like to do tonight and Jeff and I are going to cede our
7 time to Mr. Eisenfeld and let him do a very brief PowerPoint
8 presentation. I don't think it will take anymore than about 15
9 minutes, okay?

10 MS. Yocom: Okay.

11 MR. BARTLETT: Okay.

12 MS. Yocom: All right.

13 MR. EISENFELD: Thank you. My name is Mike Eisenfeld.
14 I'm with the San Juan Citizens Alliance. We're located in
15 Durango, Dolores and Farmington Aztec Area. The draft PSD
16 permit for the proposed Desert Rock facility is flawed. It does
17 not accurately portray existing air quality in the Four Corners
18 Region. Okay, the issues -- I'm going to hit on all of these in
19 further detail. But the modeling is deficient. The
20 environmental impact statement has not been released.
21 Pollutants are not covered adequately in the PSD draft for
22 mercury, ozone, greenhouse gases and other emissions. Air

00081

1 quality impacts, we bear the health and visual impacts of
2 electricity generated here and delivered elsewhere. We end up
3 with a degraded Four Corners Region.

4 Okay, the modeling, the EPA used a cow puff model to
5 evaluate the air quality and visibility impact analysis of the
6 proposed Desert Rock facility. The cow puff model input air
7 monitors are located in Farmington and Rio Rancho, New Mexico.
8 Rio Rancho is just north -- well, actually, sorry, northeast of
9 Albuquerque. Without properly located monitors the modeling is
10 inaccurate. The Clean Air Act requires one year of onsite air
11 quality meteorological data. Where is that data? In addition,
12 unorthodox modeling methods for the proposed Desert Rock
13 facility PSD permit do not comply with current EPA policy or
14 sound science. This results in an inaccurate conclusion that
15 visibility impacts to 11 class one areas, which include Mesa
16 Verde National Park and Werninuche Wilderness would not be
17 adversely impacted.

18 Mitigation plans are being proposed to minimize the
19 visibility impacts in class one areas, yet, the mitigation plans

20 are not incorporated into the PSD permit. The draft PSD permit
21 air quality dispersion modeling is deficient. The EPA has an
22 obligation under the Clean Air Act to prevent any further --

00082

1 pardon -- future impairment to visibility in any class one
2 areas.
3 Continuing on with modeling, the PSD increment
4 analysis was based on changes in emission levels self-reported
5 from the Four Corners in the San Juan Power Plant, not emission
6 levels to which the plants are permitted by the EPA. The draft
7 PSD permit left out the numerous other sources of air pollution,
8 including nitrogen oxide emissions from the 18,000 active oil
9 and gas wells in the San Juan Basin in the Farmington area. The
10 Bureau of Land Management modeling for the San Juan Basin
11 contradicts the draft PSD analysis. For example, BOM modeling
12 results indicate that emissions from current gas development in
13 the basin already exceeds the PSD class two increment standards
14 for NOX, 25 micrograms per cubic meter.
15 The draft PSD permit left out the numerous other
16 sources of air pollution forthcoming to the Four Corners area
17 and to the region, including a tremendous increase in NOX
18 emissions expected in the area due to 10,000 additional oil and
19 gas wells proposed by the BOM as well as two other proposed
20 power plants. In addition, the draft PSD permit left out
21 emissions from local sources including the use of the 15,000 to
22 20,000 miles of roads by the oil and gas industry in the San

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1 Juan Basin. The draft environmental impact statement is
2 required to evaluate all construction and operation impacts of
3 the proposed Desert Rock facility, including all associated
4 infrastructure: transmission lines, water, ash disposal,
5 transportation systems, cultural and biological resources and
6 total air emissions. These complete components have not been
7 described to the public nor analyzed. They have critical
8 importance. Where would power generated by Desert Rock go? Are
9 we to bear the impact for electricity generation to be consumed
10 in Phoenix, Las Vegas, et cetera, et cetera?
11 As currently planned, the comment period for EPA'S PSD
12 permit closes on October 27, 2006, before the draft EIS is even

13 issued. The draft EIS release is scheduled for November to
14 December 2006 at the earliest. The infrastructure information
15 for the proposed Desert Rock facility using the PSD permit is
16 incomplete. The EPA should extend the comment period on the
17 draft PSD permit to correlate with the final EIS and to provide
18 full disclosure.

19 Okay, the draft PSD permit for proposed Desert Rock,
20 estimated emissions include 3,325 tons per year of NOX, 5,529
21 tons per year of carbon monoxide, 3,319 tons per year of sulfur
22 dioxide, 13.7 million tons per year of CO2, 114 pounds per year

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1 of mercury. Now I want to note that 13.7 million tons per year
2 of CO2 as we go further in these slides. These estimated
3 emissions to the EPA from the proposed Desert Rock Power Plant
4 to not accurately depict the cumulative air impacts from the
5 entire facility. Pollutants inadequately covered for the draft
6 PSD permit: ozone, no analysis of ozone concentration. Carbon
7 dioxide, EPA failed to address greenhouse gas emissions, 13.7
8 million tons per year. Mercury, EPA failed to propose any
9 emission limits for mercury. Fugitive dust, a large problem
10 exists in the Four Corners Region.

11 Okay, so the Four Corners Region degraded air quality
12 now. Sources of pollution in the Four Corners: power plants,
13 oil and gas production, cars, industrial boilers, refineries.
14 Here's a view of Shiprock from Farmington at the end of
15 September. There's the Four Corners Power Plant, which is
16 located near Shiprock. There's the Sam Juan generating station
17 power plant, which is located in the water flow area near
18 Shiprock. There's a shot of the San Juan generating station at
19 startup when emissions are pretty extreme. There's the Dragga
20 and Navajo mine. Coal for both existing power plants is mined
21 adjacent to the Four Corners Power Plant.

22 Okay, to get back to my earlier discussion about

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1 natural gas production, this is a map of natural gas production
2 in the San Juan Basin. You can see Farmington Aztec, goes up
3 through Bayfield into the -- into -- in the northern portion of
4 the San Juan Basin. In Farmington Aztec, in San Juan County,
5 Rio Riva County there are 18,000 existing natural gas wells.

6 The Farmington BOM just approved 10,000 additional natural gas
7 wells. This is just in the New Mexico portion of the San Juan
8 Basin.

9 Okay, so let's look at cumulative air pollution. The
10 existing emissions from the San Juan generating station, 26,880
11 tons per year of NOX, 13.1 million tons per years of CO2.
12 Existing emissions from the Four Corners Power Plant, 40,742
13 tons per year of NOX, 15.1 million tons per year of CO2. Now if
14 we remember the amount of emissions that Desert Rock is going to
15 have in terms of CO2, it's 13.7 million tons per year of CO2.
16 So you'll see that that is more than the San Juan generating
17 station currently and just below the emissions from the Four
18 Corners Power Plant.

19 The problems that are occurring in Farmington, we have
20 projected emissions associated with gas production in project
21 year one. This came out of the BOM's recently approved resource
22 management plan of 2003. And in that document it stated that

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1 year one, 2003, we were going to have 3,333 tons per year of
2 NOX, 3,244 tons per year of carbon monoxide. The projected
3 emissions associated with gas production in project year 20,
4 which is the year 2023, will increase dramatically because of
5 the compressors and other natural gas infrastructures that are
6 going to be required to get gas out of the ground. You'll note
7 that the number there is 60,462 tons per year of CO, 62,160 tons
8 per year of NOX. Note that this NOX emissions is more than
9 either of the current power plants, Four Corners Power Plant and
10 San Juan generating station.

11 Mercury contamination, these major bodies of water
12 within a hundred mile radius of the proposed Desert Rock site
13 are contaminated by mercury and have fish consumption
14 advisories. San Juan River, Farmington lake, the Navajo
15 Reservoir, the NARAGUANA and McFee Reservoirs in Southwest
16 Colorado, and Vallecito Lake. Where does mercury come from?
17 The most likely source of mercury to this reservoir is from
18 atmospheric emissions from the coal-fired power plants in
19 Northwestern New Mexico. This source is from the USGS in 2005.

20
21 Okay, so local mercury emissions, right now we have
22 365 to 830 pounds per year from the Four Corners Power Plant and

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1 751 pounds per year from the San Juan generating station.
2 Additional mercury emissions, Desert Rock, at least another 114
3 pounds of mercury per year. The source is the Desert Rock
4 ambient air impact report to the EPA. We make the statement
5 that the children and the families of Four Corners cannot
6 tolerate another 114 pounds of mercury.

7 Global ozone, San Juan County, New Mexico has been
8 very close to exceeding EPA'S limit on ozone pollution.
9 Additional ozone precursors, Desert Rock will have the potential
10 to emit 166 tons per year of volatile organic compounds and
11 3,315 tons per year of NOX, the precursors of ozone. It is
12 likely that the air emissions resulting from the natural gas
13 development allowed by BOM in conjunction with the proposed
14 Desert Rock and the existing power plant will cause violations
15 of the Ozone National Ambient Air Quality Standards, NAAQS, in
16 the San Juan Basin. The ozone NAAQS are set to protect public
17 health and welfare from adverse effects that occur with elevated
18 ozone concentrations.

19 According to the EPA, elevated levels of ozone
20 pollution can cause temporary and permanent lung damage in those
21 with current respiratory problems as well as healthy
22 individuals. It can aggravate asthma, reduce lung capacity and

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1 increase susceptibility to respiratory illness, like pneumonia
2 and bronchitis. Elevated ozone concentrations can also impact
3 plants and crops making them more susceptible to disease,
4 insects and harsh weather. See the EPA'S web site on ozone
5 impacts.

6 Surely the significant public health and environmental
7 impacts that are likely to occur warrant a complete ozone
8 impacts assessment during the permitting process and under the
9 National Environmental Policy Act to determine whether the San
10 Juan Basin area will comply with these federal standards.

11 In conclusion, due to existing poor air quality in the
12 Four Corners Region we already have disproportionately high
13 levels of pollution and resultant health impacts. The draft PSD
14 permit for the proposed Desert Rock facility does not accurately
15 portray existing or forthcoming air quality in the Four Corners
16 Region. Thank you.

17 MS. Yocom: All right, the next speaker is Andy

18 Bessler.

19 MR. BESSLER: Thank you. My name is Andy Bessler,
20 B-E-S-S-L-E-R. Thanks for the community members who are
21 speaking today on this important subject. I am a representative
22 of the Sierra Club based out of Flagstaff, Arizona. The Sierra

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1 Club is an environmental organization that has over 750,000
2 members nationwide and have concerns over protecting
3 environment. The Sierra Club will be submitting written
4 comments on this permit soon. But for now I'd just like to
5 comment on three very specific issues: one relating to global
6 warming; two, the procedural impacts of this study; and three,
7 health and environmental justice.

8 I brought to the EPA proof of global warming. Right
9 here in Flagstaff, Arizona for the first time in 15 years we've
10 had a good fruit year. Fruit trees are blooming in Flagstaff.
11 So I kind of joke with folks that people say global warming is
12 all bad, but we're getting really good apples this year. While
13 global warming may help the fruit trees in Flagstaff, they are
14 -- global warming is having an impact on our air quality and the
15 quality of life. There's broad scientific consensus that carbon
16 dioxide is causing global warming. It is delinquent and
17 negligent of the EPA not to include carbon dioxide as a
18 pollutant and regulate it as such. As the great presentation
19 from San Juan Citizens Alliance just showed, a third source of
20 carbon dioxide in this region will greatly contribute to global
21 warming and as such will impact our air quality.

22 The procedural problems with this air quality permit

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1 were pointed out well by San Juan Citizens Alliance. Without an
2 adequately drafted EIS it's impossible for members of the public
3 to really adequate comments on this air quality permit and it's
4 premature. And it's obvious from information that I've seen
5 that EPA is acting in support of Sithe Global's request to get
6 this air quality permit done in time for SRP's, the request for
7 proposals on energy coming up. SRP is one of the possible
8 customers for this coal-fired power plant, however, it has yet
9 to be determined who this power is being produced for. DPA has

10 shown no solid power purchase agreements or -- we don't know
11 where this power is going to go. But we do know that this
12 process has been expedited for Sithe Global, and I think it's
13 incumbent upon EPA that this process protect the public and help
14 the public rather than just helping Sithe Global.

15 We think a community health assessment should really
16 be completed to understand the cumulative impacts described by
17 some of the community members here. This is not an appropriate
18 location for a new power plant. The two existing plants are
19 already hurting the community enough. And I think we adequate
20 comments here tonight you'll see broad-based opposition to
21 another power plant. And on top of that I would urge EPA to
22 look again at Executive Order 12898 and the requirements to

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1 understand the disproportionate impacts on communities facing
2 this power plant. From what we've heard from other
3 organizations like (Indiscernible), there's been a
4 disproportionate impact to Navajo communities surrounding the
5 proposed Desert Rock Power Plant, including getting harassed by
6 officials trying to secure grazing lease permits for the siting
7 of the power plant. And I think this process by not coming --
8 having an EIS process not fully educating the public is a
9 disproportionate impact for people to adequately understand the
10 impacts of air quality.

11 So I think it's important for EPA to consider the life
12 cycle of coal, the ambient air quality from mining to the
13 disposal of the fly ash, to its burden. All stages of coal
14 impact your mission to protect the public's clean air and clean
15 water. In my conversations with tribal leaders it's come to my
16 understanding that we all are connected. We all need clean air.
17 We all need clean water. And this power plant is a direct
18 threat to both of those, and I urge you to deny Sithe Global's
19 request for this air quality permit. Thank you.

20 MS. Yocom: Thank you. I know that we probably have
21 to change our tapes in a few minutes, so I think I'm going to
22 call a five-minute break and then we will begin the comments

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1 again. Thank you.

2 (There was a recess in the proceedings.)

3 MS. Yocom: All right, everyone, I think we will get
4 started again. I'm going to go ahead and call the next five
5 people who will be up: Tim Thomas, Mark Pearson, Joe Griffith,
6 Sherri Ann Watson, and Chris Calwell. Okay, Tim Thomas, do you
7 want to come to the microphone?

8 MR. THOMAS: Front and center, Tim Thomas, Durango,
9 Colorado, and T-H-O-M-A-S. Tim is T-I-M -- you bet. Thank you
10 for the opportunity to speak. And I came here to learn as much
11 as to comment, so I'll repeat some further comments that I don't
12 understand and hopefully you'll address at a later date. The
13 first would be how the, again, draft quality permit can be
14 evaluated when the draft EIS is yet to be released. The next
15 one is the effects of mercury pollution in this area from
16 mercury emitted by the Desert Rock Plant. The next is the ozone
17 and the potential for ozone creation in the Four Corners areas
18 that would be contributed to by the Desert Rock Plant. And the
19 concentration of power plants, meaning this is the third or
20 fourth within at least the Four Corners Region, why necessarily
21 it should be permitted in this area versus, say, California,
22 maybe L.A. area. And I would also ask the EPA to -- I hadn't

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1 heard of this, and I'm interested in hearing if they are going
2 to consider Executive Order 12898, Federal Action to Address
3 Environmental Justice in Minority Populations and Low Income
4 Populations within the air quality permitting process.

5 Two other questions have to do with some of your
6 materials, the first being your Clean Air Act Prevention of
7 Significant Deterioration Permitting Program Overview, Pacific
8 Southwest Region 9, July '06, a pamphlet which says, "What is an
9 Air Quality Impact Analysis," paragraph two, "Generally the
10 analysis will involve, one, an assessment of the existing air
11 quality, which may include outdoor monitoring data and a tool
12 called air quality dispersion monitoring." My question is, it
13 "may" include? It's not a criteria to include the monitoring
14 data. So I would request that it be included, not "may be"
15 included.

16 And the other question is on this handout by the EPA
17 addressing the Desert Rock facility and the pollutant, the
18 control equipment description, et cetera, under pollution
19 prevent, under Carbon Monoxide, it says, "good combustion
20 practices." I don't understand that. That sounds quite vague

21 to me. So I would like to know how the EPA would address good
22 combustion practices. And under Volatile Organic Compounds,

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1 "good combustion practices," again is listed. And as a general
2 citizen that concerns me of whether that will be addressed by
3 the EPA and if so how. Thank you.

4 MS. Yocom: Thank you. The next speaker is Mark
5 Pearson.

6 MR. PEARSON: My name is Mark Pearson, M-A-R-K
7 P-E-A-R-S-O-N. I'm executive director of San Juan Citizens
8 Alliance. We have offices here in Durango and in Farmington and
9 in Cortez. And the San Juan Citizens Alliance is a regional
10 community and conservation organization of about 500 members who
11 live in the San Juan Basin in Southwest Colorado and Northwest
12 New Mexico. And I wanted to just sort of briefly summarize some
13 of the technical comments that our consultants will be providing
14 you, that will be looking in more depth and providing a critical
15 analysis of the modeling and the compliance with the Clean Air
16 Act and associated regulations.

17 But first, I just wanted to say that I was a little --
18 well, number one, the first thing I wanted to say is I wanted to
19 thank Congressman Salazar's office for intervening and obtaining
20 this hearing for us in Colorado and with the Congressman's
21 recognition that Southwest Colorado will bear a significant
22 amount of the impact from the pollution from the plant and that

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1 the mercury, for example, will rain out of the sky into our
2 reservoirs here. It's appropriate that Southwest Colorado
3 residents have an opportunity to comment and participate in the
4 process, and we appreciate the Congressman's involvement in
5 obtaining this public opportunity for us.

6 The second comment I generally wanted to make is I was
7 a little disappointed in the tone of EPA'S informational
8 meetings where the public is very strongly discouraged from
9 coming to this public hearing unless you had some ability to
10 analyze your, you know, your computer simulations of your
11 pollution, you know, plumes and so forth, and that you really
12 didn't want to hear from the public unless they had some ability
13 to weight in on some really substantial technical aspects. And

14 frankly, I don't think it's the EPA'S job to discourage the
15 public from participation in public permitting processes like
16 this and that you should be welcoming everybody to make any
17 comment they please. And whether it's simply that, "I don't
18 want another power plant in my backyard, because we have plenty
19 here, and we're doing more than our fair share to supply
20 America's energy needs here in the San Juan Basin. You know,
21 let Phoenix put the power plant in their backyard if they're so
22 hungry for power." I think that's a perfectly fine comment for

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1 people to make, and I'm -- you know, I'd encourage you in future
2 public involvement processes to encourage all kinds of public
3 comment and not try to discourage people from participating.

4 And then I think another comment that Andy Bessler
5 mentioned briefly is the seeming haste in the release of this
6 draft permit and why it is so far in advance of the draft of the
7 environmental impact statement, which is the legally required
8 analysis of all the cumulative impacts associated with this
9 project. And air quality would certainly be one of the major
10 impacts. And it seems like it's unseemly with the haste that's
11 gone into rushing this permit out the door. And it
12 particularly, I think, causes the public some concern when you
13 see the correspondence from the project proponent, the EPA,
14 saying: Hurry up. We need a permit in order to be more
15 marketable, because we don't have a customer for this power
16 plant and we're sort of winging it here. And we can't get the
17 Salt River project to take us seriously unless we can get a
18 draft air quality permit in our pocket from the EPA to wave in
19 front of their face and say, hey, look, we're a real project.
20 And presto, you know, not too many months later a draft air
21 quality permit is released in advance of the draft EIS, and it
22 just looks really bad to the public that there's this

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1 correspondence from the project proponent saying: For our
2 marketing purposes we need a permit. Hurry up. The permit
3 comes out and it's completely out of synch with what the overall
4 cumulative document is going to be, that's going to look at all
5 the project impacts.

6 I think that is of great concern to us, too. And the

7 fact that -- I mean, the proponents said that this project is
8 needed because there is need for more power in the Southwest.
9 You know, if this were a public utility project that was subject
10 to some scrutiny by utility regulators, we would know whether or
11 not, in fact, there is a need for power. We'd know whether or
12 not coal-fired power is the appropriate source of new power.
13 We'd find out, since this is a, you know, private financial
14 investment, we'd find out whether the regulators thought that
15 the financial rate of return that these investors are trying to
16 get is appropriate or not. So there's -- you know, there's a
17 lot of kind of funny business that seems to the public
18 associated with this project: the fact that there is no
19 customer, you know, the permit is being rushed, there is no EIS.
20 And all these things just sort of cumulatively build, and we
21 wonder why -- you know, is someone trying to sneak something
22 over on us, basically.

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1 So with that sort of general context, I just wanted to
2 touch on sort of the highlights. As I said, our technical
3 consultants will be providing you with a detailed critique of
4 the draft permit, but the main points that we've seen thus far
5 is the concern that there's no analysis of impacts on ozone
6 concentrations performed in the PSD permit and that you failed
7 to require that Sithe providing a modeling assessment to insure
8 that Desert Rock will not cause or contribute to a violation of
9 the National Ambient Air Quality Standards for ozone in the
10 region. I think Mike Eisenfeld mentioned that earlier. And, in
11 fact, the -- you know, the Ambient Air Quality Impact Report for
12 Desert Rock doesn't even mention ozone, which is obviously a
13 major oversight that has to be addressed and the permit cannot
14 be issued until that public health issue is addressed.

15 A second concern is that there is no analysis of the
16 effects on fine particulate matter, PM 2.5, performed in the
17 Desert Rock PSD permit. And that is a -- that's a requirement
18 in the air quality permit analysis. Another important point is
19 that Desert Rock will adversely impact visibility at national
20 parks and wilderness areas that are class one areas, including
21 canyon lands, Capital Reef, Mesa Verde, Werninuche Wilderness.
22 And one of the major shortcomings in that analysis is the

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1 failure to look at the cumulative sources of pollution in Four
2 Corners, both existing and proposed, and Mike Eisenfeld pointed
3 that out as well. And the -- you know, the existing natural gas
4 development is an immense source of pollution here in the San
5 Juan Basin. The BOM has just authorized in October 2003 another
6 12,000 new well head compressors and over 300 new large
7 compressors. And as is pointed out, that will generate more NOX
8 in both existing power plants, which are considered to be two of
9 the dirtiest power plants in America. And the natural gas
10 production will release more pollution than those two power
11 plants, and it wasn't analyzed in the permit.

12 Another significant problem is that EPA must now allow
13 Desert Rock to circumvent the maximal allowable increases of the
14 prevention of the Significant Deterioration Program by accepting
15 their methods of looking at -- by taking credit for sulfur
16 dioxide emissions being made by the existing power plants that
17 were required under law to be made 20 years ago. And it's
18 ridiculous for Sithe to take credit for that today. EPA'S
19 failure to address greenhouse emissions, which was mentioned.
20 In your evaluation of best available control technology, which
21 is required, you eliminated any analysis of integrated
22 gasification combined cycle technology as a best available

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1 control technology.

2 And finally, the failure to propose any emission
3 limits for mercury, even though Sithe has said they -- if they
4 require it, they may install some mercury control technology.
5 This is obviously a significant issue here in Southwest Colorado
6 and in the San Juan Basin and mercury needs to be addressed in
7 your analysis.

8 So I appreciate the opportunity to comment and look
9 forward to your response.

10 MS. Yocom: Thank you very much. The next speaker is
11 Joe Griffith.

12 MR. GRIFFITH: Thank you for the opportunity to speak.
13 My name is Joe, J-O-E, Griffith, G-R-I-F-F-I-T-H. I'm the
14 conservation chairman of the Colorado Mountain Club and the
15 local chapter. The Colorado Mountain Club represents about
16 9,000 outdoor enthusiasts in the State of Colorado. I'm also a
17 member of several outdoor organizations that use the area. And

18 as well, my wife and I are volunteers for the local forest
19 service working on BOM land, monitoring sites there, and working
20 at various other areas. Also, we live here. We live in Hermosa
21 and we live actively on the land here.
22 I'd like to associate myself with Congressman

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1 Salazar's comments and with the Citizens Alliance analysis that
2 Mike Eisenfeld presented to you and that Mark Pearson just
3 commented on. We're especially concerned with the cumulative
4 effects of pollution of the air quality here, especially the
5 mercury content and the ozone concentrations, which make a great
6 penalty to those who use the outdoors. We feel, where is the
7 environmental impact statement for our examination? No decision
8 should be made without the public seeing it. And given from a
9 more global perspective, given the long-term energy needs and
10 the impact of global warming, no power plant should be approved
11 without a look at the possibilities of total scrubbing and
12 cleanliness of the emissions, especially the pollutants, but
13 also the capture and sequestration of carbon dioxide.

14 Thank you very much for the opportunity to present to
15 you.

16 MS. Yocom: Thank you for your comments. The next
17 speaker is Sherri Ann Watson.

18 MS. WATSON: Sherri, S-H-E-R-R-I, last name Watson,
19 W-A-S-O-N. I feel like my comments are going to be from a lay
20 person here. I don't have quite the knowledge and experience
21 that these gentlemen have, and I, too, would like to associate
22 my comment to you with their comments. And I thank you for

00102

1 listening. I felt, and I think a few others did, too, when I
2 came away from the meeting at Fort Lewis College in September,
3 that it's true that this proposed plant meets the EPA'S
4 requirements for this permit -- for this permitted process --
5 for this initial permit. And so I came away feeling like: Wow.
6 There's nothing we can do. And you folks, from what I can
7 tell, are doing your job. You're following the regulations.
8 And the path you should follow, and that would be to allow this
9 power plant to move forward -- and from what I can see, they're
10 saying they are going to be extremely clean, probably the lowest

11 polluting power plant of the four or so that are down in this
12 region, and that they are going to use, quote, unquote, state of
13 the art pollution controls. So by all means, for someone like
14 me who doesn't have quite the knowledge it sounds like: Wow.
15 It's an okay thing. And I think that you folks are doing -- as
16 well as the Navajo EPA -- I appreciate the position that you are
17 all in. I think you are following the regulations that are in
18 place, and from what I can see that's the unfortunate part, is
19 that the current regulations that we have do not address the
20 problems that we in this era have now with power plants and
21 other polluting entities.

22 And I think that the EPA is completely remiss when

00103

1 they intend to use 30-year-old standards from the Clean Air Act
2 in the 1970s to regulate permits for new power plants. To me
3 that's maybe even negligent. And so I'm asking that you will
4 recommend that this will be at least postponed until our either
5 legislative bodies or the EPA themselves can do environmental
6 studies regarding the things that we've talked about today in
7 this era: ozone, mercury, CO2, particulate matter, things that
8 couldn't even have been conceived of in the 1970s. So I would
9 really hope that you would ask for this to be postponed and that
10 they would not approve this permit until the standards of the
11 EPA and this Clean Air Act can be updated. Thank you very much
12 for your time.

13 MS. Yocom: Thank you. Okay, our next speaker is
14 Chris Calwell.

15 MR. CALWELL: Good evening. My name is Chris Calwell.
16 The first name is C-H-R-I-S, and the last name is
17 C-A-L-W-E-L-L. I'm a local business owner in Durango and I
18 serve as the policy and researcher director of a local firm
19 named Eco Consulting. What I'd like to comment on tonight is
20 that it seems like much of the discussion in this process has
21 surrounded the use of best available control technology to
22 prevent significant deterioration of air quality. And I think

00104

1 EPA noted at a previous meeting that the congressional mandate
2 is to prevent deterioration from the conditions that prevail in
3 a base year that was more than 25 years ago. A reasonable

4 person might ask whether the air quality in the state of health
5 in our local and regional environment are so good today that EPA
6 has no obligation to further improve them significantly and
7 immediately. The private sector that I work in operates by
8 necessity on a model of continuous improvement and doing better
9 than we did more than 25 years ago would be an embarrassing
10 measure of success.

11 Corporations are judged by their ability to do better
12 in each new year than they did in the previous one, and I think
13 government should accomplish no less. I might put in front of
14 you this thought experiment. Imagine if we judged our success
15 today in automotive safety or cigarette regulations or food
16 labeling or AIDS prevention on the basis of the prevailing
17 standards in the late 1970s. Radical improvements along all
18 forefronts have occurred since then. Technologies and practices
19 are much better now than they were in those years, and each is
20 continuing improve. I think EPA can and should do better than
21 the last 1970's level in determining if it's prevented
22 significant deterioration of our air quality.

00105

1 There are legal definitions that adhere to the narrow
2 letter of the law in the Clean Air Act. We heard something
3 about that earlier tonight. EPA, I think, repeated -- excuse
4 me, they retreated repeatedly to the comfort of those
5 definitions in the meeting last month in Durango that I attended
6 when describing why EPA could not currently consider CO2 and
7 mercury in deciding what constitutes best available control
8 technology. My family and I and our fellow citizens actually
9 live downwind of this proposed power plant and we're actually
10 more interested in the spirit and the intent of the law that
11 created best available control technology and the Clean Air Act
12 language that surrounds it.

13 I think a reasonable person would look at dozens of
14 National Academy of Science reports, U.N. reports, other reports
15 from universities on global climate change over a period of
16 decades and would conclude that, yes, carbon dioxide is a
17 pollutant. It's emissions cause environmental harm. Some fuels
18 and pollution control technologies cause far more emissions of
19 carbon dioxide than others, and so a best available control
20 technologies, in quotes, worthy of the name would cut CO2
21 emissions dramatically. They would represent the best our

22 technology can do to address climate change, rather than

00106

1 squeaking out of the federal requirements to control pollution
2 on a technicality. Rather than adding to our CO2 emissions,
3 those technologies would help the U.S. cut its absolute
4 emissions by at least 80 percent, which as we know from climate
5 scientists is the amount needed to stabilize the climate.

6 Choosing not to consider best available control
7 technologies like coal gasification because the EPA
8 administrator has not yet recognized CO2 pollutant, I think, is
9 a violation of the public trust that all of us place in our
10 Environmental Protection Agency. If you're not helping the
11 United States prevent climate change, who will? Gasification
12 and sequestration are the best available control technology we
13 as a modern civilization have for reducing the CO2 emissions of
14 a coal plant. We urge you to include consideration of them.
15 Ignoring them is not prudent. It's not what a reasonable person
16 in 2006 would do given what all of us know about the very real
17 risks of climate change to irreversibly harm humans and the eco
18 system as a whole.

19 Lastly, I'd just like to say a word about mercury.
20 Mercury's toxicity and environmental harm are even more
21 abundantly clear in 2006 than that of carbon dioxide. The fact
22 that mercury regulations are anticipated for 2012 or perhaps

00107

1 later is nice to know, but it doesn't do anything about the 114
2 pounds of expected mercury emissions per year that will happen
3 when this plant is built. Coal gasification or methanization or
4 the various variants of that technology that have been discussed
5 have been shown to significantly reduce mercury emissions beyond
6 what can be achieved with conventional technology at a
7 pulverized coal power plant. Why not consider those
8 technologies under any reasonable definition of best available
9 control technology? A reasonable person would look at what is
10 known now and reduce emissions now, not just to the 114 pounds
11 per year that sit proposed, or even 57 pounds per year that they
12 said they might consider, but far lower than that.

13 Every milligram of that mercury will be in volatile
14 airborne biologically available form because it's literally

15 being burned and released from the coal and put into the air.
16 The Energy Star Program within the EPA'S own pollution
17 prevention division, as you may know, is currently devoting
18 substantial resources to urging and assisting manufacturers and
19 retailers all over the country who sell compact fluorescent
20 lamps to recycle their mercury content. And, yes, this is a
21 laudable effort, but the average CFL contains about 3 milligrams
22 of mercury that can actually be recycled. Only a fraction of

00108

1 that is in volatile or biologically available form.
2 Even after Desert Rock captures 80 percent of its
3 mercury emissions, the plant would still emit 114 pounds of
4 mercury. And every milligram of that mercury will be in
5 airborne volatile biologically available form. If you do the
6 math, that's the equivalent of 17.2 million compact fluorescents
7 every year, more than the number sold in all of Colorado, Utah,
8 Arizona, and New Mexico, which are the states that adjoin this
9 power plant.
10 So I guess my question to EPA is simply this. Why
11 work so hard to recycle CFLs for the 3 milligrams of mercury you
12 can recover from each and then turn around and willingly grant
13 regulatory approval to a new source of airborne mercury that
14 negates ... and then haul it on a truck to an approved facility,
15 break it in a vacuum, recovery the mercury, condense it, put it
16 in a safe place. And they might ask themselves, wouldn't that
17 be a little more expensive than simply preventing that same
18 amount of mercury emissions at the coal plant at the time of
19 combustion. Preventing is cheaper and better for all of us.
20 Why not do it? Thank you for your consideration of these
21 comments.
22 MS. Yocom: Thank you. Our next speaker and the last

00109

1 speaker card I have at the moment is Robert Delzell.
2 MR. DELZELL: Hi, I'm Robert Delzell, D-E-L-Z-E-L-L.
3 I am a member of the board of directors for the San Juan
4 Citizens Alliance and also a member of their energy task force.
5 I appreciate the opportunity and the time you've taken to be
6 here and to allow us to speak. The initials PSD, Prevention of
7 Significant Deterioration, I think, is an important set of

8 words. And it's important that the process that is gone through
9 by EPA -- and I have worked for EPA and so I understand
10 something about it -- is important to take those words
11 seriously. And it seems as though this may not be -- may not be
12 part of the process entirely. The proposed permit conditions
13 appear to be limited entirely to the operation of the proposed
14 Desert Rock Energy Center. Perhaps this is EPA'S current
15 standard procedure, but it certainly violates sensible
16 environmental planning, which must include combined impacts of
17 all pollution sources. That includes existing power plants, as
18 you've already heard, and also heard thousands of gas wells and
19 their emissions, and those yet to go on line.

20 My second point is this. I have been at a number of
21 environmental hearings, and perhaps I've lost track of EPA'S
22 procedures. But this is the first hearing that I have attended

00110

1 that did not permit me first to review the draft environmental
2 impact statement so I could make some judgments and present
3 something to you that made a more complete -- made a more
4 complete presentation. I certainly, as a third point, would
5 encourage comparison of this plant with an evaluation of
6 alternative methods of generating power, the impacts of these
7 alternatives on the environment, on the health of the
8 surrounding communities, and on the employment opportunities,
9 which are very important to the people in that area. What we
10 may find out is that in the long haul placing this one more
11 plant there may produce health problems and unacceptable levels
12 of pollution in other ways.

13 Finally, I urge completion of the DEIS considering
14 combined impacts of other pollution sources and including the
15 power alternatives of which I've spoke. Thanks for allowing me
16 to participate.

17 MS. Yocom: Thank you very much. All right, at this
18 point in time we have gone through all of the speaker cards. Is
19 there anyone else in the room who would like an opportunity to
20 speak, who has not had an opportunity to do so?

21 (No response).

22 MS. Yocom: In anticipation that there may be some

00111

1 latecomers, I think what we'll do is we will adjourn for about
2 20 minutes and see if anymore people come. Yes, sir.

3 SPEAKER: This may be way out of line. But since you
4 are scheduled to be here for another hour and in the event there
5 are no latecomers, and considering that you did impose a
6 five-minute limit which did cut off some potential completion of
7 comments, will you allow for some of those who may not have had
8 an opportunity to fully comment to come up here in this last
9 hour? Or is that unheard of?

10 MS. Yocom: I suppose we could reopen, assuming if
11 there's someone who feels that they had a comment that they did
12 not get to complete. Why don't we keep the same ground rules,
13 though, to complete their comment in another five minutes. I
14 don't know how many people want to do that. Okay, so is there
15 anyone who would like to add to their comment, who did not have
16 a chance to do so earlier and would like to do so? Okay, can
17 you give me your name, because I had the benefit of the green
18 card before.

19 MR. CONE: Steve Cone.

20 MS. Yocom: Okay.

21 MR. CONE: I have some specific concerns that I would
22 like to voice that I didn't get to. If the project's promoters

00112

1 cannot clearly demonstrate the construction of the Desert Rock
2 plant will provide direct long-term benefits to those elderly
3 and impoverished Navajo in the proposed project area without
4 further jeopardizing the health and homes of their families,
5 then this thinly veiled scheme should be seen for what it really
6 is, the deliberate use of cultural supremacy and economic
7 subjugation to convert the wealth of tribal resources held in
8 trust into private corporate profits and increased power for an
9 elite few at the expense of an ill-used and vulnerable minority.
10 If only lip service is paid to the principles of environmental
11 justice, the oppressed will be forced to use any means at their
12 disposal to protect their families and defend their communities.

13 Who would contract for the power generated by the
14 proposed project? Where are the customers and how would the
15 environment be impacted by the infrastructure required to
16 transmit the market power? How much Desert Rock electricity
17 would be available at a reasonable rate to be used by tribal
18 members residing closest to Desert Rock? How much would be

19 transmitted to markets off the reservation?

20 Testimony by representatives of the BHP Corporation in
21 connection with an air quality permit application indicated that
22 emissions from another huge coal-fired power plant in the San

00113

1 Juan Basin would result in exceedance of significant impact
2 levels to air quality in the proposed Desert Rock project area.
3 The transcript of that BHP testimony needs to be included and
4 directly addressed within this EPA permitting process. The
5 cumulative human health impact attributable to the San Juan
6 Basin deteriorating regional air quality must be clearly
7 identified. A comprehensive study of cancer rates and
8 associated etiology needs to be conducted in an expanded project
9 study area. These results need to be published as part of the
10 NEPA EIS process and included in EPA'S Clean Air Act Prevention
11 of Significant Deterioration PSD Permitting Process for Desert
12 Rock.

13 EPA should examine connections between elevated levels
14 of mercury in power plant emissions and the incidence of
15 childhood autism in the San Juan Basin, the incidence and
16 relative severity of adult and childhood respiratory illnesses
17 such as asthma must be carefully documented and seriously
18 weighed by EPA. Polluted air causes a narrowing of the blood
19 vessels, which can contribute to the risk of heart attack and
20 stroke. Long-term exposure to air pollution also increases the
21 threat of lung diseases, such as cancer and asthma, a serious
22 health threat to Navajo tribal members who rightly object to

00114

1 being exposed to further pollution from, yet, a third massive
2 coal-fired plant. A study needs to be conducted to address
3 health problems and lack of access to health care for tribal
4 members in San Juan County. The federal government's penchant
5 for servicing corporate interests at the expense of public
6 health is manifest in the flawed modeling scheme used to
7 estimate air pollution impacts of the proposed project. Air
8 pollution modeling now in use simply serves as a springboard for
9 unrestrained growth and cutthroat profit motives of energy
10 extraction and power development interests in the San Juan
11 Basin.

12 Throughout the project study area current air
13 pollution monitoring techniques are inadequate, intentionally
14 haphazard and deliberately deceptive. This would be laughable
15 if it were not so tragic. Such bad science modeling generates
16 data driven by pre-ordained results rendered in deference to the
17 agenda of the Basin's energy extraction and power production
18 industries. Is there anyone here so naive as to actually
19 believe that public input will be taken seriously in this EPA
20 process when it is common knowledge that industry executives are
21 joined at the hip to top government agents and officials who
22 routinely provide carte blanche to corporate energy interests?

00115

1 Does EPA have to do business by distorting objective scientific
2 knowledge for political ends and then misrepresenting or even
3 withholding the facts from the public at large?
4 Your agency is mandated to insure air quality
5 protection to mandatory class one federal impact areas. Sithe's
6 own modeling indicates Bandoleer National Monument, Mesa Verde
7 National Park, Canyon Lands National Park, Petrified Forest
8 National Park, San Pedros Parks Wilderness Area and Werninuche
9 Wilderness Area could be subject to significant negative impacts
10 should Desert Rock be permitted. Before the San Juan Basin's
11 air becomes even murkier, an accurate cumulative visibility
12 analysis must be completed and made available to the public for
13 review. When will this be done and how will the results of the
14 study be disseminated? EPA must make public the letter that the
15 United States Forest Service sent. Furthermore, the EPA should
16 explain how the public interest will be best served by endorsing
17 a so-called side agreement for the performance of a mandatory
18 mitigation strategy by Sithe. Any significant damage by Sithe
19 to class one federal areas, including wilderness areas, parks
20 and monuments, must be treated in a mitigation strategy within
21 EPA'S draft Clean Air Act Prevent of Significant Deterioration
22 PSD Permit.

00116

1 EPA should stop trying to sidestep the issue of
2 mitigation and add strong teeth in the Desert Rock draft permit.
3 Impacts of the project to water quality and supply must be
4 fully determined. Sithe has stated that the project will

5 deplete 4,500 acre feet per year of New Mexico's groundwater
 6 from the Morrison Aquifer at a rate of 100 percent with 0 return
 7 flows to the San Juan Basin. What are the associated potential
 8 impacts of the project to water quality and to the endanger fish
 9 species habitat along the San Juan River? We know that you're
 10 going to do a consultation with the Fish and Wildlife Service.
 11 We'd like the public be more involved in that and have it not
 12 happen behind closed doors. How will Sithe's water mining
 13 impact native flora and fauna? To what extent might cavitation
 14 impact cultural and archeological resources in the Basin? To
 15 what degree would existing water wells be impacted, and how
 16 might historic uses be impaired? EPA must examine unresolved
 17 San Juan Basin water rights and claims to water, settlements and
 18 adjudication proceedings.

19 In addition to Desert Rock a long list of energy
 20 development proposals in the Basin include over 12,000 new coal
 21 bed methane and oil and gas wells, the Peabody Mustang Power
 22 Plant and the Ute Mountain Ute Power Generation Facility. If

00117

1 the Desert Rock project were considered in conjunction with
 2 these other new and proposed major sources of air pollution, the
 3 picture would be one of further significant air quality
 4 degradation incompatible with specific provisions and goals of
 5 the Clean Air Act. In other words, we are talking not about the
 6 promise of clear skies but about the prospect of additional tons
 7 of airborne filth and carcinogens showered over the populous
 8 like manna from an amoral administration run amuck.

9 The bottom line is that if serious full consideration
 10 is not given to the cumulative impacts of federally sanctioned
 11 projects in San Juan Basin, any issuance by EPA of a Clean Air
 12 Act Permit for Desert Rock ought to be embossed with an official
 13 seal certifying the San Juan Basin as a permanent national
 14 sacrifice area. Disraeli was right in his observation that
 15 there are lies, damn lies and statistics. There is concern that
 16 the cumulative incremental analysis presented by Sithe in
 17 connection with its May 2004 application is fundamentally and
 18 fatally flawed. Sithe's claim to credit allowances for what are
 19 in reality inapplicable emission reductions at San Juan and Four
 20 Corners Power Plants is unjustifiable and proscribed. Overall,
 21 discrepancies and deficiencies in Sithe's assumptions,
 22 methodology and data necessitate that the cumulative increment

00118

1 analysis be rejected by EPA, redone and completed so as to
2 provide reliable and valid results. Peer review must be
3 incorporated within this process.

4 In conclusion, I would say the Farmington Daily Times
5 reported in December of 2004 that the anger of many citizens
6 commenting at the BIA Desert Rock scoping hearing was palpable.
7 Much of this outrage is justifiable, because it stems from a
8 recognition in the minds of public citizens, Indian and
9 non-Indian alike, both on and off the reservation, that they are
10 being viewed simply as a nuisance, that their concerns are
11 insignificant, and that their participation in the process while
12 a necessary evil is wholly irrelevant to the final preordained
13 outcome of the NEPA process.

14 Now EPA has demonstrated that the Department of
15 Interior has no corner on the market of corruption and
16 hypocrisy. As Derek Jensen stated at Fort Lewis College a few
17 months ago, when hope dies action begins. So I won't pretend to
18 hope that my comment will be weighed and thoughtfully
19 considered. I won't pretend to hope that EPA'S decision
20 regarding Desert Rock will be based on the consent of the
21 governed and not as so often been the case an arrogant and
22 willful contempt of the governed.

00119

1 MS. Yocom: Thank you for your comments.

2 MR. CONE: Thank you.

3 MS. Yocom: Okay, we have two more speakers. I hope
4 I'm reading this right. My eyes are burning a little bit.
5 Pakhi Chaudhuri, am I pronouncing that correctly?

6 DR. CHAUDHURI: Hi there. How are you guys?

7 MS. Yocom: Oh, and please remember to spell your
8 name for the transcriber, okay.

9 DR. CHAUDHURI: The first name is P-A-K-H-I, and the
10 last name is C-H-A-U-D-H-U-R-I.

11 MS. Yocom: Thank you.

12 DR. CHAUDHURI: So please excuse me, first of all, if
13 I repeat anything that's been said tonight, because I've just
14 arrived. I've come from another meeting. I am a pediatrician
15 in the community and I am very concerned about the prospect of

16 having a new coal-fired power plant in our air shed. One of the
17 biggest things that I'm concerned about is air quality, and we
18 have a national epidemic of asthma in this country. And I am
19 aware that the EPA standards for PM-10 are now looking to be way
20 too high already for children. There's growing evidence that
21 high levels of PM-10 can actually induce asthma in children that
22 otherwise would not have asthma as it infiltrates the lungs and

00120

1 causes more inflammation. So though it does appear by looking
2 at the -- whatever this is called, your air quality impact
3 report -- that the PM-10 standards are considered to be fine. I
4 have a lot of concerns about that.

5 I am also concerned that you guys are not counting
6 PM-2.5, and I realize that that's not under your jurisdiction at
7 this time but just want to throw out there that there's concern
8 that one does not represent the other. And then, I guess,
9 lastly I know that you've probably heard much about mercury this
10 evening, and I know that it is not technically considered one of
11 the toxins that you are supposed to be looking at. But we do
12 know from a tremendous amount of medical literature that it is a
13 very well known neurotoxin and it is very potent and just need
14 to put it out there one more time that it really needs to be
15 addressed when looking at all these things. I think that's all
16 I want to say tonight. You look as tired as I am, so goodnight.

17 MS. Yocom: Thank you very much. The next speaker is
18 Darsi Olson.

19 MS. OLSON: Good evening. Thank you for coming and
20 listening to everyone's concerns. I wish I would have been able
21 to be here much earlier. Hopefully I can hear some of
22 tomorrow's hearings. I've collected information --

00121

1 MS. Yocom: I'm sorry, can I just ask you to spell
2 your name for the transcriber.

3 MS. OLSON: D-A-R-S-I O-L-S-O-N.

4 MS. Yocom: Thank you.

5 MS. OLSON: I've collected information on children's
6 health issues for about 20 years. I'm a person that some years
7 back was extremely chemically sensitive, and I've been sick. I
8 don't wish anyone to become sick from unknowingly being exposed

9 to chemicals, especially children. And I could go on and on,
 10 but I think I'm limited on time tonight. And so I just want to
 11 share some words that came from when I was recovering from being
 12 real sick from chemicals. And this is called And Honor the
 13 Children. And it's to all the people of the world. And maybe
 14 just imagine this whole room full of children, the building
 15 surrounded with children, the children of today, the children of
 16 the future. And as you are making the decisions that you have
 17 in front of you, please, please, please keep the children in
 18 mind because they deserve clean water, clean food, clean air,
 19 and there will be healthier people everywhere.

20 So here's some words: Open your eyes that you may
 21 see. Open your ears that you may hear. Open your heart that
 22 you may feel. Open your mind that you may heal. Open your

00122

1 hands that you may give. Learn to receive, to truly live to
 2 honor the life within one and all. When we join hands we'll
 3 never fall. Heal our hearts, heal our minds, heal the earth and
 4 we may find children playing everywhere. Clean land, food and
 5 water and clean air. Walk with children. Hold their hands. A
 6 voice they need to heal the lands. The time has come. The time
 7 is now. Please let's join hands and take a vow to care for our
 8 bodies, care for the earth, care for all life, for all has
 9 worth. May love, compassion, hope and truth be restored to the
 10 eyes of all our youth. The time has come. The time is now to
 11 make a change, to take a vow. To walk our talk, to plan to see,
 12 to heal the earth there is great need. To change our ways, to
 13 set new goals, to stretch our wings, to lift our souls. To
 14 speak our truth, speak from the heart, reach out our hands and
 15 do our parts. To plant a garden, gather seeds, plant a thought,
 16 plant a tree, fly with eagles, run with wolves, play with the
 17 children and teach only love. Sisters and brothers, let's
 18 please join hands. Walk with the children and honor the lands.
 19 The time has come. The time is now. Please let's join hands
 20 and take a vow to open our eyes that we may see. Open our ears
 21 that we may hear. Open our hearts that we may feel. Open our
 22 minds that we may heal. That the earth may heal, that we may

00123

1 heal, that all may heal.

2 And honor the children. Please be open to what people
3 have had to say and will say tomorrow. We need clean air. We
4 need clean food. We need clean water. We need clean land.
5 Thank you.

6 MS. Yocom: Thank you very much. Thank you. All
7 right. We have gone again through all of our cards. We do have
8 some time left, so -- 8:19. I think -- why don't we take about
9 a 10-minute break because there might be some more people that
10 come in at the -- towards the end of the night. If no one else
11 comes in wanting to speak, then we will come back up here and
12 official adjourn, okay. Thank you.

13 (There was a recess in the proceedings.)

14 MS. Yocom: Okay, everyone, we have not received any
15 other cards so I'm just checking one last time if there's anyone
16 who wanted to speak who did not have an opportunity to do so if
17 you could let us know. Oh, there is one speaker, okay. Now you
18 can go ahead and speak and we'll just do your cards. It's just
19 so we can keep track and make sure we send you a copy of the
20 transcripts. If you could please spell your name for the
21 transcriber, that would be great.

22 MR. COLGAN: Joe -- you've probably got that one --

00124

1 Colgan, C-O-L-G-A-N.

2 MS. Yocom: Thank you.

3 MR. COLGAN: Well, I'm here tonight -- I'm a candidate
4 for the 59th Colorado House of Representatives. And, of course,
5 that can -- that is the four counties in Southwest Colorado.
6 And certainly we know the impact of the two power plants that
7 are there already. And so citizens that live in this district
8 are mightily concerned about air quality and contaminants that
9 are put into the air. So I'm sure -- and I apologize for being
10 so late getting her tonight, but this is the third meeting since
11 6 o'clock. So I had to get here as early as I could.

12 But the ideas that we want the EPA to make sure that
13 the latest technology is incorporated into this and, in fact,
14 the standards are met or exceeded. Because, once these things
15 are in place and once -- promises can mean anything. It's like
16 politicians that are making the promises. And once they're up,
17 there isn't much you can do about them. So we just hope and we
18 appreciate -- and we appreciate the efforts of Congressman
19 Salazar and appreciate you having this hearing here -- to listen

20 to the people and to respect their wishes and particularly to
21 make sure that the permitting process complies with the absolute
22 best technology that's available today. So -- and it's there,

00125

1 as near as I can understand it, is that this plant theoretically
2 will have minimum impact if any, and it may have even a positive
3 environment -- impact on the environment, on the air quality and
4 mercury contaminants, et cetera.

5 And so we citizens in this part of Colorado who are
6 simply -- we're the recipients of whatever happens down there
7 because of the prevailing wind. We just want to make sure that
8 our concerns are recognized and that our quality of life is
9 protected. Thank you very much.

10 MS. Yocom: Thank you very much. Is there anyone
11 else who would like to speak, who has not had an opportunity to
12 do so?

13 (No response).

14 MS. Yocom: All right, in that case if there are no
15 further comments I will conclude this public hearing. As a
16 reminder, the period for public comment shall remain open until
17 October 27, 2006. This public hearing is now closed. Thank you
18 all for coming.

19 (The proceedings concluded.)

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